

An Abridgment of
MANWOOD'S
Forrest Laws.

And of all the
Acts of Parliament
Made Since;

WHICH RELATE TO
Hunting, Hawking, Fishing, or
Fowling.

L O N D O N,

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To the English Nation

JOHN WOOD

Author of the

History of the

English Nation

from the

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OF THE
Forrest Laws
OF
CANUTUS.

The Charter of the Forest of *Canutus* the Dane, sometime King of *England*, granted at *Winchester*, in a Parliament holden there, *Anno Domini*, 1062.

Here begin the Constitutions of King Canutus, concerning the FOREST.

These are the Constitutions, or Laws of the Forest, which I *Canutus* King, with the *Advice* of my Nobility, do Make and Establisth, That both Peace and Justice be done to all the *Churches* of *England*, and that every Offender suffer according to his quality, and the manner of his Offence.

1. **T**here shall be from henceforth four, out of the best of the Freemen, who have their accustomed Rights secured, [whom the English call *Pægenes*] constituted

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stituted in every Province of my Kingdom, to distribute Justice, together with due punishment, as to the matters of the Forrest, to all my People, as well English as Danish, throughout my whole Kingdom of England, which four We think fit to call the Chief Men of the Forrest; [Now called Verderors.]

2. There shall be, under every one of these four, out of the middle sort of Men [whom the English call Lespend, and the Danes, Young Men] placed, who shall take upon them the care and charge as well of the Vert as the Venison, [Now called Regardors]

3. But We will not by any means have such persons concern themselves in the Administration of Justice: yet such middle sort of Men, after their taking upon them the care of the Beasts of the Forrest, shall be always reputed Free Men, such as the Danes call Ealdermen.

4. Again, under every one of these, shall be two of the meaner sort of Men, whom the English call Tine Men; these shall take care of the Venison and Vert by Night, and undergo other servile Offices. [Now called Foresters, or Keepers.]

5. Such mean servant shall be free as soon as he takes his place in our Forrest, and We will maintain all such at our own Charge.

6. Also every one of the Chief Men [or Verderors.] shall have every year out of our Ward [which the English call Michni] two Horses, the one with a Saddle, the other without, one Sword, five Lances, one Head-piece, one Shield, and Two hundred shillings of silver.

7. Every one of the middle sort of men [or Regardors] one Horse, one Lance, one Shield, and sixty shillings of silver.

8. Every

8. Every one of the meaner sort of men [or Foresters] one Lance, one Cross-bow, and fifteen shillings of silver.

9. That all of them, as well Chief Men [or Verderers] middle sort of men, [or Regarders] and meaner sort of men [or Foresters] shall be free and quit from all Provincial Summons, and popular pleas [which the English call Hundred Laghe] and from all Taxes concerning the Wars, or Weapons [which the English call Warfcot] and from all foreign Plaints.

10. That the Causes of the Middle sort of Men [or Regarders] and of the Meaner sort of Men [as Foresters] and their Corrections, as well Criminal as Civil, shall be Adjudged and Decided by the provident wisdom and discretion of the Chief Men [or Verderers,] But the Enormities of the Chief Men [or Verderers] if any such shall be, (least any Crime should escape unpunished) We our self will cause to be punished according to our Royal Displeasure.

11. These four [Chief Men, or Verderers] shall have a Royal Power, (sitting in our presence) and four times in the year the general Demonstrations of the Forrest, and the forfeitures of Vert and Venison (which the English call Muchehunt) where they shall all of them hold Claim, or Challenge of any thing touching the Forrest, and shall go to a Threefold Judgment (which the English call Gangfordel) and thus the Three-fold Judgment shall be obtained; The party shall take with him five others, and he himself shall make the sixth, and so by swearing he shall obtain a Threefold Judgment, or Cripple Oath. But the Purgation of Fire (or Fiery Ordale) shall be by no means admitted, unless in such cases where the naked Truth cannot otherwise be found out.

12. But a Freeman, (i. Pegen) [so that his Crime be not inter mariota] may have an honest Man who may take an Oath for him (i. Forathe) but if he hath not, he must swear himself, and shall not be excused from swearing.

13. If a stranger, or foreiner, who shall come from some place afar off, be challenged of the Forest, and the meanness of his condition be such, that he cannot procure a Pledge to his first Challenge, [which no Englishman may adjudge] Then he shall undergo the King's Caption, and there he shall stay until he shall go to the Judgment of Iron and Water: i. of the Ordale: But yet if any one shall hurt such a stranger coming from a place afar off, that is an Offender, he that doth hurt him shall have his Judgment executed upon him.

14. Whosoever shall, before my Chief Men (or Verderors) of my Forest, bear false witness, and be thereof convicted, shall be incapable for ever afterwards to be a witness, or give his Testimony in any Cause, because he hath lost the benefit of the Law, and for that his Crime he shall pay to the King Ten shillings (which the Danes call Half-hang, or Halfe-hang).

15. Whosoever shall offer any violence to the Chief Men (or Verderors) of my Forest, if he be free he shall lose his liberty, and all that he hath: and if he be a Villane, his right hand shall be cut off.

16. If either of them shall offend again, in the like case, he shall be guilty of death.

17. In like manner, if any person shall contend in suit, with one of the Chief Men, (or Verderors) he shall forfeit to the King as much as he is worth (which the English call Pere and Pite) and pay to the Chief Man (or Verderor) forty shillings.

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18. If any person shall break the Peace before the Middle sort of Men (or Regardors) of the Forest, which they call Geth-brech, he shall pay to the King Ten shillings.

19. Whosoever shall strike any of the Middle sort of Men, (or Regardors of the Forest) in wrath, he shall forfeit as much as is usually forfeited unto the King for killing a Royal Beast of the Forest.

20. If any person shall be taken offending in the Forest, he shall suffer punishment according to the manner and quality of his offence.

21. The Punishment and Forfeiture shall not be one and the same of a Freeman (whom the Danes call Ealderman) and of one that is not free, of a Master and of a Servant, of one that is known, and of one that is not known; Nor shall the management of Causes, either Civil or Criminal, of the Beasts of the Forest, and of the Royal Beasts, of the Hert, and of the Venison, be one and the same: For the Crime of Hunting hath been of old reputed (and not undeservedly) amongst the greatest Offences that could be committed in the Forest; but that of Hert is esteemed so little and trivial (except as it is a Breach of our Royal Chase) That our Constitution or Forest-Law doth scarcely take notice of it; Nevertheless he that offends therein, is guilty of one of the Trespasses of the Forest.

22. If any Freeman shall Course or Hunt a Beast of the Forest, either casually or wilfully, so that by the swiftness of the Course, the Beast doth pant, and is put out of Breath; such Freeman shall forfeit Ten shillings to the King, and if he be not a Freeman, he shall forfeit double; but if he be a Bondman he shall lose his skin.

23. But if the first shall kill any Beast of the Forrest, he shall pay double, the second time as much, and the third shall forfeit, as much as he is worth, to the King.

24. But if any, or either of them, by Coursing, or Hunting, force a Royal Beast, which the English call a Staggon (or Stag) to pant, and be out of breath, The Freeman shall lose his natural Liberty for a Year, and the other for two years; But the Bondman shall be reckon'd as an Out-law, (which the English call a Friendless Man.)

25. But if such a Royal Beast be kill'd by any of them, The Freeman shall lose his freedom, The other his Liberty, and the Bondman his Life.

26. My Bishops, Abbots, and Barons shall not be challenged for Hunting in my Forrest except they kill Royal Beasts, and if they do, they shall make satisfaction according to my pleasure, without knowing the certainty of the forfeiture.

27. There are some Beasts (besides those of the Forrest) which, while they keep within the Bounds and Limits of the Forrest, are subject to be accounted for, when Hunted, by the Laws of the Forrest, viz. Wild Goats, Hares and Conies. And there are also a great number of Cattle, which, although they live within the Limits of the Forrest, and are subject to the charge and care of the Middle sort of Men (or Regardors) Nevertheless cannot at all be reputed Beasts of the Forrest, as Wilde Horses, Buffaloes, Wilde Cows, &c. As for Foxes and Wolves, they are neither reckon'd as Beasts of the Forrest, or of Venery, and therefore whoever kills any of them is out of all danger of forfeiture, or making any recompence, or amends for the same; Nevertheless

nevertheless the killing them within the Limits of the Forrest, is a breach of the Royal Chase, and therefore the Offender shall yield a Recompence for the same, though it be but easie and gentle. But a Wilde Boar, notwithstanding he is a Beast of the Forrest, nevertheless he was never thought to be a Beast of Venerie.

28. No Man shall touch, or meddle with Our Wood, or Under-wood, without Licence of the Chief Men (or Verderors) of Our Forrest, which if he do, he is Guilty of the Breach of Our Royal Chase.

29. But if any Person shall Cut down a Holly-Tree, or any other Tree that yieldeth food for the Wild Beasts, besides making satisfaction for the Breach of the Royal Chase, he shall pay Twenty shillings to the King.

30. I will that every Freeman may, as he please, have, and take Venison, or Vert, upon his own Grounds, or in his own fields, being out of my Chase, and let all men avoid; and forbear taking my Venison, or Vert, in every place where it is mine.

31. No Mean Man shall have, or keep any such Dogs, which the English call Greyhounds. But Free Men may, provided the Dog's knees be cut before one of the Chief Men, (or Verderors) of the Forrest, or without cutting their knees, provided the Dogs be removed, and kept Ten miles from the limits of the Forrest. But if the Dogs shall come any nearer to the Forrest, the Master shall pay for every Mile one shilling. But if any of the said Dogs be found within the precincts of the Forrest, the Master of such Dog shall not only forfeit the said Dog, but Ten shillings in money to the King.

32. But the little Dogs (which the Danes call Velteres, and the English Langeran) because
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it manifestly appears that there is no danger in them, it shall be very lawful for any person to keep them without cutting their knees. The same Law shall be touching such Dogs the English call Ramhunds.

33. But if it happen that such sort of Dogs become mad, and run every where by the negligence of their Masters, by such means they will become unlawful, and the King shall be recompenc'd for such their unlawfulness, &c. But if they shall be found within the Precincts of the Forest, the Owners shall be found out, and make recompence according to the price of a Mean Man, which, according to an ancient Law, called Lex Merimorum, is Two hundred shillings.

34. If a mad Dog shall bite a Wild Beast of the Forest, then the Owner of the Dog shall make Recompence according to the price of a Freeman, which is Twelve times a Hundred shillings. But if a Royal Beast shall be bitten, Then the Owner of the Dog shall be guilty of the greatest Crime.

An Abstract

Of all the LAWS, made for the Preservation of the Game of Venary, Chase and Warren, Hawking, Fishing and Fowling, as well in the King's Forests, and the Purlieus thereof, as in the Chases, Paddocks, Woods, Parks, Warrens, Fisheries, Vivaries, and Grounds Inclosed of any His Majesties Subjects, where Game is usually kept, in ENGLAND and WALES.

Of a Forest, what it is, and whereof it doth consist.

A Forest is a Franchise Royal, Created by the King, and by him set apart, and appointed for the Generation, Feeding and Nourishment of wild Beasts of Venary and Chase, and also for Beasts and Fowls of Warren; Not incident to any of His Subjects; for no Subject can have, or enjoy a Forest, without special Grant from the King, under

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under the Great Seal of England, it being Jus Regale, peculier only to his Imperial Crown and Dignity, as a Sovereign Prince; having particular Laws, Privileges, and Officers belonging thereto, for the preservation and continuance thereof, and of the Vert and Venison therein.

2. It is a Circuit of Ground, stozed with great woods, and Thickets of Covert, for the Shelter, Residence, and Safety of wild Beasts, and Fowls of Forrest, Chase and Warren; and is also replenished with fruitful Pastures, and Lawnds for their continual feeding and Subsistence; Being privileged to rest, and abide therein under the King's Protection, for his Royal Pastime, Diversion and Pleasure.

3. A Forrest is Circumscribd, or Bounded with Irremovable and Idelible Marks, Meers and Bounds, known, and preserved either by matter of Record, or by Prescription.

4. It consists of 8 things; viz. 1. Of Soil.
2. Covert. 3. Laws. 4. Courts. 5. Judges.
6. Officers. 7. Game. 8. Bounds.

Note, A Forrest is not a Plate privileged generally, for all manner of Wild Beasts; or Fowles, but only of those that are of Forrest, Chase and Warren; The Wild beasts of the Forrest, or beasts of Venary, being these five, and no other, viz. The Hart, the Hind, the Hare, the Boar and the Wolf. And although the Hart and the Hind are beasts of the same kind, or species, yet nevertheless they are accounted two severel beasts, propter differenciam temporis in quo venati sunt, because they are of two severel seasons for hunting; The season for hunting the Hart being in Summer, and the time for hunting the Hind beginning when the season of the Hart is over. By

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By the Hart is understood as well a Stag, and Staggeerd, as every other Hale-Deer of that sort.

Of a Frank-Chafe, a Park, and a Free-Warren, what they are, and how they differ from each other.

A Frank, or Free Chafe, is a franchise next in degree unto a Forrest, being a open place for the keeping of Game, and in that respect something resembling it, yet with this difference, That a Chafe hath neither the same kinds of Game in it, nor any particular Laws belonging to the same, proper to a Chafe only; For whereas the Beasts of Forrest are the Hart, Hind, Hare, Boar and Wolf, The Beasts of Chafe are none of them, but other five, viz. The Buck, the Doe, the Fox, the Martrou, and the Roe; In like manner, all offenders in a Chafe are punishable by the Common Law of this Realm, and not by the Forest-laws. Besides, a Chafe hath no such Officers as a Forrest, viz. Verderors, Regardors (or Raungers) Forresters, and Agistors; Nor hath it any Courts of Attachments, Swainmote, or Justice-seat appertaining thereto, all the Officers belonging to a Chafe being only Keepers, as they are called in a Park, but such are termed Forresters in a Forrest.

2. As a Chafe is next in degree unto a Forrest, and in some sort resembling it, So is a Park to a Chafe being in many respects the same; for there is no diversity between them, save only that a Park is inclosed, and a Chafe lies always open without Inclosure.

3. Lastly, The next Franchise, in degree unto a Park, is the Liberty of a Free Warren; (The Beasts

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Beasts and Fowles whereof are four, viz. The Hare, the Coney, the Pheasant, and the Partridge, and no other (being such as may be taken by Long Wing'd Hawks, according to Budæus) For as a Forest is the Highest, and greatest in Dignity of all Franchises, So it doth Surpass them all for its Extent, and Comprehensiveness, Including in it a Frank Chase, a Park, and a Free Warren; For which reason, The Beasts of Chase, and the Beasts and fowls of Warren are as much privileged within a Forest, as the Beasts of Forest are; Every Forest being in it self a Chase, though a Chase be not a Forest nor a part of it; and so the like may be said of a Park, and a Warren: And therefore the Hunting, Hurting or Killing any of the Beasts or Fowles of Chase, Park, or Warren within the Limits of the Forest, is a Trespass of the Forest, only punishable by the Laws of the Forest, and not otherwise.

And because the Laws made for the Preservation and Continuance of Forests, and Purlichs thereof, and the Vert, Venison, and Fowles therein, are particularly applicable unto, and only proper for Forests, and no other places; Therefore we shall begin with a brief Account of the Laws that relate to the King's Forests only, and afterwards proceed to discourse of such other Laws, as have been since made for preservation of the Game of Hunting, Hawking, Fishing and Fowling in the Chases, Parks Warrens, Woods, or other Grounds, Fisheries, or Vivaries, within England and Wales, belonging to the Subject.

Of the Forrest Lawes in general.

IT is Reported by Antient Historians, That Forests have been allways in this Kingdom from the first time that the same was inhabited. And the Author of Concordantia Historiarum tells us, That Gurguntius the Son of Belyn, a King of this Island, did make certain Forests, for his pleasure, in Wiltshire; And that divers other Kings have done the like, since his time. Which Forests, the Kings of this Realm have allways maintained, and preserved (with divers Privileges, and Lawes appropriated thereunto) as places of pleasure, and delight, for their Royal pastime, and Diversion.

And when it happen'd that any Offenders Entred into those Privileged Places, and Committed any Trespasse therein, they had very severe Punishments inflicted upon them, according to the Lawes then in force, which were very grievous, and altogether uncertain, according to the Arbitrary and Unlimited Will of the King: And thus those Lawes were executed, and their Punishments continued, until about the year 1016, when Canutus the Dane became King of this Realm; Who, delighting much in Forests, Did (for the better maintenance, and preservation thereof) Establish certain Lawes, or Constitutions peculiar only to Forests: By which it appears, That before his time, all Wild Beasts and Birds were only the Kings, and that no other person might kill, or hurt them: The Kings of England having, by their Prerogative Royal, a Right and Privilege in all such things as none of their Subjects could Challenge any property in; and such

such were then said to be the Kings, as **Wild Beasts, Birds, &c.** in whose Lands or Woods soever they were found. Whereupon the said Canutus made a Law, That every Free man might, at his pleasure, have and take his own Hert and Venison, or Hunt upon his own ground, or in his own Fields, being out of the Kings Chase; But that all Men should forbear to Have or Take the Kings Hert or Game in every place where his Highness should have the same.

Also it appears by the Laws of St. Edward the Confessor, That he did Confirm the said Law of Canutus, by a Sanction made in his time, to this Effect, That it should be lawful for every one of his Subjects to Enjoy the benefit of his own Hunting, that he could any way have or make in his own Lands. Woods, or Fields; So that he did forbear to Hunt the King's Game in his Highness Forrests, or other Priviledged Places, on pain of losing his life for such Offence.

Which Laws were afterwards Confirmed by William the Conqueror, as appears in the 27 Chapter of the Book wherein his Laws were Collected, and digested; and so were continued by him all his time.

After whose death, William Rufus his Son, in like manner Continued the same Laws, during his life.

And after his death, King Henry the first, his Brother, succeeding him to the Crown, by his Charter Confirmed all the Laws of the Forrest made by St. Edward the Confessor, as appears by the Book kept in the Exchequer, called *Liber rubrus*, cap. 1. *Legum suarum*: Which Laws of the Forrest so continued during all the life time of the said Henry the first.

After whose decease, King Stephen by his Charter Confirmed all the said Laws, Privileges,

leges, and Customs granted by St. Edward the Confessor, and Henry the first; and continued the same during his life.

After whose death, King Henry the second, succeeding him, did, by his General Charter, Confirm the aforesaid Laws of the Forest in many particulars, but not without great Alterations, and Additions. For he doth, in and by his said Charter, Recte and Declare the nature of the Laws of the Forest, and in what sense they were taken, and used, or how interpreted or construed in times past, and wherein they do differ from the Common Law of the Kingdom; And that the Kings of England before that time, and he himself even then, might make a Forest in any place of the Realm, where They, or he, pleased, as well in the Lands and Inheritances of any of Their, or his Subjects, as in Their, or his own Demesne Lands. Which unlimited, and unaccountable Power, claimed by the Kings of England in those times, by colour of the Forest Laws, over the Birthrights and Inheritances of their Subjects, was a mighty and insupportable Grievance to those whose Lands were so Afforested; Their Pastures and the Profits of their Lands being then devoured by the Kings Wild Beasts of his Forests, without any Recompence for the same.

And this Law of Afforesting the Subjects Lands (then daily so increasing) was thought to be a very great and insuperable Oppression, not only to the Nobility and Gentry, but also to the Commonalty of this Kingdom, being all of them debarred from Inclosing, or Improving their own Lands, so Afforested, and forced to let them lie open.

And if any of them did happen to Offend a

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gainst the Forest Laws, Their Punishments were often exceeding great for a small Offence, and the Forfeitures according to the Kings pleasure, not regarding the quantity of the Trespass, nor according to the Course of the Common Law.

Which rigorous Execution of the Forest Laws continued during the life of Henry the second, and both the Reigns of Richard the first, and King John; Every one of which Kings did daily increase those Oppressions, by making more New Forests in the Lands of their Subjects, to their great Impoverishment.

And this Mischiefe was not at all remedied, until the making of Charta de Foresta by Henry the third, published in the ninth year of his Reign, which was afterwards Confirmed, and Enlarged by Edward the first his son: Whereby it is provided, That all Forests that Hen. 3. Rich. 1. and King John had Afforested and made of the Lands, Meadows, Pastures, or Woods of any of their Subjects (being not the demesne Lands of the Crown) should be Disafforested again. For those three Kings last mentioned, had (in their times) Afforested so much of their Subjects Lands, That the greatest part of the Kingdom was then Converted into Forests.

Of the Courts belonging to the Forest, the Judges thereof, and the Officers attending the same.

There be three Principal Courts usually kept for Matters of the Forest, viz. The Court of Attachments, the Court of Swanimote, and the High Court of the Lord Justice in Eyre of the Forest, called the Justice-seat; being each of them of a several and different nature. The

The Court of Attachments is the most inferior of them all, for therein the Officers do nothing but receive the Attachments of the Foresters, and Inroll them in the Verderors Rolls; that they may be in a readiness against the time that the Court of Swanimote is kept; and for that this Court cannot determine any Offence or Trespass, if the value thereof be above 4d. for all above that value must be Inrolled by the Verderors in their Roll, and sent from thence to the Court of Swanimote to be Tryed there, according to the Laws of the Forest. For notwithstanding the greatest part of all the Presentments do first begin in this Court, yet this Court cannot proceed farther therein, neither is a Presentment in this Court any Conviction against the Offender in those Offences, because he may Traverse the same; until it hath passed the Court of Swanimote; To which all Trespasses presented at the Court of Attachments must necessarily come, before the offenders can be punished, or stand convicted, as guilty in Law of their offences.

Next in degree above the Court of Attachments, is the Court of Swanimote, though much inferior to the Justice Seat of the Forest: for when the Presentments of the Court of Attachments, and the Court of Swanimote have had their Proceedings, according to the Assises, and Laws of the Forest, yet cannot the Court of Swanimote determine the same, or assess Fines for any offences contained in such Presentments, or give Judgement thereupon (other than to pronounce them convicted) But such Presentments, and Convictions must be delivered in to the Lord Justice in Eyre of the Forest, at the Court of Justice Seat, on the first Day of Sitting of the said Court, when the

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same are called for, according to the Laws and Ordinances of the Forest: The Swanimote is a Court unto which all the Freeholders within the Forest do owe Suit, and Service.

The next is the most Supreme Court of the Forest, called the Justice Seat, or General Sessions, wherein the Lord Chief Justice, or Lord Justice doth sit; for unto him it only belongs to give Judgment in this Court of all offences, and to assess Fines, and Punish offenders: This Court being as the Fountain Head, unto which the other Courts of Attachments and Swanimote are but (as it were) two conduit Pipes to convey the Matters and Causes of the Forest, that from thence Judgement may be had, and given thereupon.

Note, By the Charter of the Forest, Chap. 8. The Court of Attachments shall be kept every forty dayes throughout the year, and the Court of Swanimote thrice in the year.

The officers of the Forest whose personal Attendance is required at the said Courts, for putting the Forest Laws in execution, and the punishment of offenders, are principally the Verderors, Regardors, Foresters, and the Bedle of the Forest.

1. A Verderor is a Judicial Officer, chosen by Writ in the full County Court of the Shire wherein the Forest is, and sworn to maintain and keep the Assises of the Forest, and to view, receive, and inroll the Attachments, and Presentments of all manner of Trespasses of the Forest relating to Vert and Venison.

His office is not much unlike to that of a Coroner, especially in this respect, As a Coroner by the Law, is to view the dead body of any one killed suddainly, or found dead, and (it being unknown how such person came by his, or her death)

death) he ought (upon notice given him) to repair to such dead body, and view the same, and thereupon inquire by the Oath of twelve Men, of the Neighbourhood where such dead body shall be found, upon view thereof, and such Evidence and Circumstances as he can come by, how such party came by his, or her death, and by what means, and how, or what was the occasion thereof; So it is the duty of a Verderor, by his office, to look after, and view the Wild Beasts of the Forest, and if any of them be found slain wounded, or hurt (upon notice given to him thereof) he is to go unto, and view the same, and cause an Inquisition to be made by a Jury of twelve Men out of four of the next Towns to the Forest, to know how such Beast was killed, wounded, or hurt, and by whom.

2. The next is a Regardor, whose office is, by his Oath, To make the Regard of the Forest, in such manner as the same hath been accustomed to be made in Ancient times; And also to view, and inquire of all offences of the Forest, as well touching Vert, as Venison; and of all Concealments of offences, or defaults of Foresters, and all other Officers of the Forest, concerning the Execution of their offices.

Of Regardors there be three sorts, viz. One made by the King, by Letters Patents, where by the said Office is sometimes granted for Life, and sometimes in Fee. 2. Another sort made by the Lord Chief Justice in Eyre of the Forest, or by Writ directed to the Sheriff: which Regardors are to Exercise the said Office during the King's pleasure only. 3. There is another sort of Regardors, made pro hac vice tantum, for the present service of the Court of Swanimote, or to serve some other time in the

absence of some of the Regardors that are sick, or not able otherwise to serve at that time.

3. The next in order is a Forester, who is sworn to preserve the Vert and Venison of the Kings Forest, and to attend the Wild Beasts within his Walk, or Jurisdiction, and to Attach offenders therein, either in Vert or Venison, and to present the same at the Court of Attachments of the Forest, to the end they may be punished according to the quality and quantity of their offences.

A Forester of the King's Forest is made either by Grant from the King, by Letters Patents, to hold his Office in Fee, paying a certain Fee-farm Rent yearly for the same, or else to have the same for life, or durante bene placito; and sometimes they Claim to hold the said Office by Prescription: and such Foresters have oftentimes servants under them to execute the said Office, in looking after the Forest, and taking care of the Deer therein, which have the Appellation of Foresters, but are called Walkers, or Under-keepers.

4. A Bedle; he is an officer, or servant of the Forest, that doth Warn, or Summon all persons to appear at the Courts of the Forest; he also makes all manner of Proclamations, as well within the Courts of the Forest, as without, and executes all the Process of the Forest, as Bailiffs of Liberties, or Itinerant of the Sheriff, doth, in his County execute all manner of Process, whether Dean, Judicial, or otherwise, as well within Liberties as without.

The Office of the Verderors at the Court of Attachments, is, To sit there to see the Attachments of the Forest, as well of Vert as Venison, and receive the same of the Foresters, and others, that present them there, and then to enter them in their own Rolls. The

The office of the Foresters, or Keepers at this Court, is, To present offenders, and offences, or Trespasses, and to bring in Attachments there, that they have made of offenders, touching Vert and Venison, whom they have attached for committing such Trespasses in the Forest.

This Court of Attachments is kept by the Verderors, and therefore sometimes called the Verderor's Court; and yet at this Court all the Foresters, and other officers, and Ministers of the Forest ought to appear, and give their attendance. Here Woodwards must present all offences committed within their charge, and the deaths of Wild beasts of the Forest, to the Chief Forrester, or Verderor; but they cannot attach offenders, or make any Attachment, for that must be left to the Foresters, whose office it is to perform.

As to the Court of Swanimote, the Verderors are the Chief Judges thereof, although the Chief Warden of the Forest, or his Deputy, doth usually sit there; but, it seems, not as a Judicial Officer, for no Judicial officer may, by the Common Law, make a Deputy. Neither could the Lord Chief Justice of the Forest legally make a Deputy, or appoint one to sit in his place in the Grand Sessions, or Court of Justice-seat of the Forest, until the Statute of 32 H. 8. cap. 35. did authorize such Lords Chief Justices to make Deputies to execute their Offices, by Writings or Instruments under their hands, and sealed with the Seals of their Offices, and not otherwise.

But there is no such power given by any Statute to the Chief Warden of the Forest to make any Deputy to execute his Office: and yet there be commonly two Deputies in every Forest, which are called Lieutenants, that

is to say; The Lieutenant of the Lord Chief Justice, or Lord Justice in Eyre of the Forest, and the Lieutenant of the chief Warden of the Forest.

By the Charter of the Forest, this Court of Swanimote shall be kept thrice in the year, viz. 1. On the Fifteenth day before Michaelmas, when the Agistors of the King's Woods do meet together to take the Agistments in the Demesne Woods of the Crown. 2. About Martinmas, when the Agistors receive the King's Pannage; and to these two Courts must come the King's Foresters, Verderors and Agistors, by Distress, and no other Officer, or Minister of the Forest. 3. The other Court of Swanimote shall be kept the Fifteenth day before Midsummer-day, when the Agistors meet to fawn the King's Deer, and at this Court shall come the King's Foresters and Verderors, by Distress, and no other. But now the Law is, that all the Officers of the Forest ought to appear at every Swanimote, not only the Verderors, Regardors, Agistors, Woodwardes, and all other persons within the Circuit of the Forest, which are Freeholders; but also out of every Town and Village, within the Forest, four Men and a Reve: for if any of these make default, at any Court of Swanimote holden within the Forest, every of them shall be Amerced for his default, and such Amercement Estreated to the Chief Warden of the Forest, to levy the same by Distress.

Note, by the words, Ministers of the Forest, above mentioned, are intended the Stewards of the Court of Swanimote, who ought to be Men of Learning, and well skill'd in the Laws, for some Pleas of the Forest are Tryed in the Court of Swanimote only, as appears by the As-

files

Uses and Customs of the Forest, Chap. 22. Where it is said, That if a Man be Attached for cutting of Boughs within the Forest, That Plea appertains to the Court of Swanimote, before the Steward there, Anno 6. Edw. 1.

Next, in order, we shall Treat of the High-Court of Justice-Seat, or Grand-Sessions of the Forest, and the Lord Chief Justice of the Forest.

The Office of Lord Chief Justice of the Forest, is a Place of great Honour and Authority, executed always by some of the Chiefest of the Nobility, who is of the King's Privy-Council. When he is made Lord Chief Justice in Eyre of the Forest by the King's Special Commission, he hath, by that means, as great Authority, as any Justice of Oyer and Terminer hath to hear and determine Matters at Common-Law, if not greater: for then he may punish all Trespasses, and Offences of the Forest according to the Laws of the same; and may hear and determine all Claims touching the Liberties and Franchises within the Forest, as to have Parks, Warrens, and Vivaries therein; also of them that Claim to be quit of Assarts and Purprestures, or of such as do Claim Leets, Hundreds, Goods of Felons, Fugitives and Outlaws, Felo's de se, Waifs, Estrays, Deodands, and such like Immunities and other Liberties within the Forest: as likewise of such persons that Claim to kill Hares, and other Beasts of Chase and Warren, within the Forest.

He hath also an absolute Authority to determine all offences within the Forest, either of Vert or Venison; for such offences shall not be determined before any other Justices, except such as are appointed by Commission under the Great Seal to aid and assist him in the execution and performance of his Office.

And

And of this there are two Cases in the Year-Book of Hen. 7. The first in the 21th year of that King, Fol. 22. Where in *Trespals de Malefactoribus in Pacis*, the Plaintiff declared, That the Defendant did enter into a certain Forest, &c. and the opinion of the Court was, That this Action did not lie, except for offences committed in Parks; for the Statute of Westm. 1. cap. 20. is only intended to redress Injuries done in Parks, and shall be taken strictly: So that the punishment that is given for committing Offences in Forests is punishable by the Statute of *Charta de Foresta*, and not otherwise, &c.

The other Case is in the same year, fo. 30. Where, upon an Indictment, for killing an Hart proclaimed, found before the Justices of the Peace, The Indictment was Challenged, because it was not set forth therein, in what place the Proclamation was made, nor in what place the Hart was killed; for if he was killed out of the Bounds of the Forest, it was no offence in him that killed him; and Fineux, Lord Chief Justice, said, That this matter might be pleaded to the Jurisdiction of the Court, because the Justices of the Forest ought to determine the same.

Add to these the purport of the Statute made in 34 E. 1. called *Ordinatio Forestæ*, That all the Proceedings concerning Offences of the Forest, in any other place except before the Justices of the Forrest, shall be void; and that no other shall have power, or authority, to proceed against Offenders in the Forrest, other than the Justices of the Forest only.

When the Justices of the Forest have obtain'd their Commission for holding the Court of Justice-Seat of the Forest, they make out their Precept to the Sheriff of the County wherein the Forest lies, and the Justice Seat is kept, commanding

manding him to summon all the Prelats, Nobility, Knights, Gentlemen and Freeholders that have Lands within the Bounds of the Forest, and out of every Town and Village four Men and a Reve, and out of every Borough Twelve lawful Men; and all persons that Claim to hold Pleas of the Forest before the Justices; To appear (such a day, and place) before the Justice in Eyre of the Forest, or his Deputy, to hear and do such things as appertain to the Pleas of the Forest. And likewise that the said Sheriff do make Proclamation in all Boroughs, and other Towns, Fairs, Markets, and other publick places throughout his Bailiwick, That all persons who claim to have any Liberties, Franchises, or Free-Customs of the Forest, may be there, at the same time, and place, to make good their Claims; And that all persons Attached, since the last Court, touching Vert or Venison, and their Pledges and Maiapernors, who had a day given them until this Court for their Appearance, be there also to stand to, and abide the Judgment of the Court; and that the Sheriff be there with his Bailiffs, to execute such matters as appertain to his Office, and certifie the Justice of the Forest concerning the Premises.

Upon this Summons, the Officers of the Forest, and all other persons that are to appear at this Court, must have a day of reasonable Warning by the space of Forty days, at the least, to hold their Sessions in, and they shall hold Pleas of Quo Warranto.

There is also another Summons directed to the Chief Warden of the Forest, to warn all the Foresters, Verderors, Regardors, Woodwardes, and other Ministers of the Forest, to come to the said Court, and bring with them all the Rolls, Writings,

26 Of the Laws and Privileges of the Forest.

tings and Attachments of the Forest (made since the last Court, or left there undetermined) concerning the Vert and Venison of the Forest; and that the Regardors do likewise come thither, and bring with them all the Regards made and inrolled since the last Court; and that likewise the Agistors do appear there with their Attachments, and Rolls of Agistments, to perform such their duty concerning the same, as shall be requir'd of them by the Court. Lastly, to cause all such persons to appear at the said Court, as Claim any Liberties, or Franchises within the Forest, to shew by what Warrant they Claim to have the same.

Note, That all persons, whether they dwell within the Forest, or without, if they be summoned to appear at the Justice-Seat of the Forest, in respect of the Lands within the same, to serve there upon Inquests, ought to appear in proper person only, and not otherwise.

But all such persons which are to appear there, in respect of making their Claims, to have any Liberties or Privileges within the Forest, may appear there either in Person, or by Attorney, at their own Elections.

Note, That all the Rolls of such offences, as have passed the Courts of Attachments and Swaninote, are to be sealed up by the Verderors, and kept until the next Court of Justice-Seat, and then they are to present the same to the Lord Justice in Eyre of the Forest.

But if any Officer or Minister of the Forest, that hath the Custody of such Rolls (at such time, as the Court of Justice Seat is holden) their Heirs, Executors, Assigns, or Tenants of their Lands (in what County soever they be) do not bring in such Rolls the first day of holding the said Court, there shall issue out

a Precept

a Precept to the Sheriff of the County, where such Lands do lie, Commanding him, That the Wife and Childzen of such offender, being first by him turned out of Doors, he cause to be seized all the Lands and Tenements of such offender in his Bailiwick, so that he be responsible to the Lord Justice in Eyre of the Forest, as to the value of them, for a Year, unless the Tenants of such Lands come before the end of the Year, and bring in the said Rolls.

And such is the severity of the Laws of the Forest touching this matter, That if the Rolls of the Forrest should happen to be casually lost, yet the Officers by whom they were so lost, their Heirs, Executors, or Tenants, must make a Fine with the King for the same.

Or if it happen such Rolls be burnt, or otherwise destroyed by the Common Enemy of the Nation, yet that shall not avail for an Excuse by the Laws of the Forest (though at Common Law it would be allowable) but even in this case the officer in whose custody they were, or had the Charge of them by the direction of the Court, must make his Fine for the same or else his lands shall be seized: And so it is of Agistors, if they fail of their Rolls, or Accounts.

Likewise if the Verderors make default at the Court of Justice Seat, they shall be Amerced for the same, and distrained by their lands, to bring in their Rolls, Indictments, and other Writings concerning the Forest.

Note, That before any Justice Seat of the Forest can be holden, the Regardors must make their Regard, which is done by the Kings Writ, sent by the Lord Justice in Eyre to the Sheriff of that County, where the Forest is, in
which

which the Court of Justice Seat shall be kept, together with an Abstract of all such matters as the Regardors shall inquire of, Who, when they have made their Range, and Affirmed, at the Courts of Attachments, and Swanimote, such matters, as they shall have found in their Surbey, are to present the same, under their hands and seals, unto the Lord Chief Justice in Eyre of the Forest, at the Court of Justice Seat within the same.

And then the Lord Chief Justice in Eyre, or his Deputy, being set in Court, together with those that are in Commission with him, as his Assistants, after the Commission read, and the Officers of the Forest called over, then the Freeholders of the Forest must be called, and such other persons as were summoned to appear at that time, out of which there is then chosen a substantial Jury of the discreetest men, not under the number of 18 or exceeding 24; After which Jury is sworn, the Lord Chief Justice in Eyre, or his Deputy, or some other person skilled in the Laws of the Forest by his Appointment, shall give in Charge to the Jury the Principal matters they are to inquire of, being a brief account of the several offences that have at any time been committed against the Laws of the Forest; Against which there are some that respect the Court of Justice Seat of the Forest only, as the account of Money received by the Verderors for dogs kept unexpeditated within the Forest, is to be made before the Justice in Eyre at the next Court of Justice Seat; The like for punishing Nuisances of the Forrest. Also unlawful Hunting in the Forest, shall be punished by Judicial Sentence at the Court of Justice Seat; and so shall offenders in the Purlicens of the Forest, with divers others.

After

After the Jury have brought in their Verdict, and the same is recorded, and that the other Business is over, The Steward shall give the Oath to the Inhabitants of the Forrest, of the age of twelve years, to this Effect, To be true Liegeman unto the King; To do no hurt unto the Wild Beasts, or any thing else belonging to the Forest; Not to conceal any Offences committed by others, but to the uttermost of their power to reveal them unto the Officers of the Forest, or such persons as ought to see the same redrest.

Then after the ending of the said Court of Justice Seat, or Grand Sessions of the Forest, the Lord Cheif Justice in Eyre of the Forest, at his return to the Court, Certifies the King what offences have been committed in the Forest since the last Court before this was holden there; and how the offenders have been prosecuted for the same; and what officers of the Forest have faithfully discharged their Trusts, as they ought, according to the incumbent duty of their offices; and who have been remiss therein, That they may be encouraged, or displaced accordingly.

Of the Limits of the Forest, and the Offences committed therein, and how to distinguish between an Offence committed within the Forest, and within the Regard of the Forest.

Every Forest is bound with Limits to know the true Circuit, or Circumference thereof, which in the old Perambulations are called Marks, meres, and Boundaries; By a Mark is signified any Thing that hath an Ascent from the ground upward in height, as a Hill, Tree, Church, &c. By a Mere of the Forest is

is meant the distance and place between the Forest, and the soil of any other person, whereon any thing doth stand that may be discernable afar off, and conspicuous to the view of the Person authorized to set out the Limits of the Forest, as a dwelling house, a Hill, &c. Lastly, by the word Boundary, is understood any Thing wherewith the Forest is bounded, that is upon the Level, and not higher in view than the soil of the Forest it self is, as a River, High-way, &c. And these are the Marks, Heres, and Boundaries, spoken of before, whereby a Forest is circumscrib'd, being irremovable and indelible; in regard they are such Things as be immovable of themselves, or irremovable by others, as Hills, Churches, Highways, and Rivers be, and yet sometimes for want of such permanent Boundaries, great Trees conspicuously known have been made use of for that purpose, though very rarely and upon cogent necessity: These Boundaries are also indelible as being preserved by Matter of Record or Prescription.

It is very material and requisite for all persons to be well acquainted with, or at least to have some competent knowledge of the Bounds or Limits of the Forest, especially such Gentlemen as live near the same, and the officers concerned therein; for if one be presented for killing a Wild Beast of the Forest, the place where the same was done ought punctually to be known, for it might be killed out of the Forest, and then no offence to the Forest-laws, except in some special cases; and therefore the Limits of the Forest ought particularly to be known. So according to the words of Charta de Foresta of the 9th. of Hen. 3. Artic. 2. **That**
Men who dwell out of the Forest shall not come
before

before the Justices of the Forest by Common Summons; in this case the Limits of the Forest ought to be known, that it may be distinguished who are dwellers within the Forest, and who without. Likewise by the Statute de Malefactoribus, Anno 21 E. 1. "If any Forester do find any Trespasser wandring in his liberty within the Forest, intending to do hurt or damage therein, and after Hue and Cry made to him, to stand unto the peace will not yield himself, but do flie or resist; in this case, if the Forester do kill any such offender he shall not be impeached for this Felony. In this case, it will be absolutely necessary to know the exact Bounds and Limits of the Forest; for in all probability Issue will be taken, Whether the Trespasser was killed within the same, or not; and if within the Limits of the Forest, the Forester may plead the said statute in Justification, but otherwise it will be Felony in him.

And farther it is to be observed, That all the Meres and Boundaries of the Forest, are according to the Assizes of the Forest, Anno 6. Ed. 1. intirely the Kings, and parcel of the Forest, except in some particular cases, as where they do consist of such things as the King hath no Intrest in, or that are or may be any succout or relief to the Wild beasts of the Forest; For if a dwelling house, Mill, or the like, be a Mere, or Mark of the Forest, yet the King shall not have any interest in the same thereby, for the reason above mentioned.

But by the Assizes of Pickring Anno 8 Ed. 3. It was Adjudged, That no person might fish in any River that is a Boundary or Mere of a Forest, without Warrant, because it is parcel of the Forest, and the Kings as a Mere of the

Forest. And therefore the Abbot of Whitby was indicted, at those Assizes, for killing an Hart in the River of Darwent, being the Marches of the Forest, and carrying away the Venison with him; But he made a Fine for the same, and was bound to the good behaviour of the Forest: and so much for the Limits of the Forest, and the Offences committed therein, next of the difference between an Offence committed within the Forest, and within the Regard of the Forest.

In the Assizes and Customs of the Forest, Anno 6 Ed. 1. Artic. 3. It is said, "If any person shall be found selling an Oak out of the demesne wood, and within the Regard of the Forest, without the View, or delivery of the Forester, or Verderor, he shall be Attached by four Pledges, and by the View of the Verderor the Oak shall be appraised, and the names of the Pledges shall be written in the Roll of the Foresters and Verderors. Here the words [Within the Regard of the Forest] shall be understood within the Limits of the Forest: But it is quite otherwise in the fifth Article of the same Assizes and customs, where it is said, If any man shall be found Attachable contrary to his Sureties and pledges (that is to say, if he be bound to the good Behaviour towards the Forest, and after that Offends in the like nature) he shall be distrained by his Chatels found within the Bounds, or Limits of the Forest: By which it appears, that such a person may have Chatels distrainable within the Bounds and Limits of the Forest, which are nevertheless out of the Regard of the Forest, being peradventure in such places as were exempted by Charter out of the Burthen and Charge of the Forest, as appears by the Perambulations made

made of the Forests in Edw. the firsts time, when divers Woods within the Limits and Bounds of the Forests were Exempted out of the Regard of the Forest; So that there happens to be sometimes Towns, Parks, and Woods, which lie within the Bounds and Limits of a Forest, which notwithstanding are no part of such Forest, as Wallwood in Essex formerly was, being within the Forest of Waltham, and yet no part thereof, nor within the Regard of the same; And so Havering Park is within the Meres and Bounds of the said Forest of Waltham, nevertheless, out of the Regard of the same, and not any part thereof: But all such Franchises, Lands, or Woods that be any part of a Forest, are within the Regard of the same; and all such as are within the Meres and Bounds of a Forest, and are no part thereof, are out of the Regard of the Forest: And this is the meaning of the distinction to be made of the words, Within the Regard of the Forest, Within the Limits [or Bounds] of the Forest, and In the Forest.

Of the Time of Fawning for the Deer of the Forest, called the Fence, or Forbidden-month, and how all persons ought to demean themselves in the Forest during that time.

By the Charter of the Forest of Henry the third Artic. 8. The third Court of Swanimote is appointed to be kept fifteen days before Midsummer, at which time all the Foresters, Verderors, and Agitors should meet together for the quiet and safety of the Wild Beasts during

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ing the time of their Fawning, which is called the Fence, or Forbidden Month.

This Month consists of thirty days, viz. fifteen days before Midsummer, and fifteen days after.

During this Month diligent Watch and Ward must be kept in every Bailiwick throughout the Forest, That no person be suffer'd to go out of the Kings High way, least he should steal, or carry away the young Fawns; Nor shall any Swine be then suffer'd to remain in the Forest, lest they destroy the same: Nor shall any person be suffered to go up and down, or bring into, or drive any Cattle or Beasts through the Waste grounds of the Forest, out of the High way, lest they disturb the Deer in the time of their Fawning.

And farther it is to be observed, That during this Month the Foresters are to give Notice to each house within every Bailiwick in the Forest, to keep in all their dogs, and not suffer any of them to go abroad, whether they be Mastiffs expeditated, or any other kind of dogs whatsoever.

For such persons so wandering about the Forest, at this time, without special business, shall be Attach'd by the Watchmen and Warders, and brought before the Verderors.

Or if any person shall be found, at this time, to hurt or course any wild beast within the Forest; or to carry away any young Fawn; or to carry with him, out of the High way, any Bow, Gun, or Engine to hurt or destroy the Beasts of the Forest, he shall be Attached and brought before the Verderors.

Likewise, if any dogs shall be found running about the Forest, at this time, to disturb or affright the Deer, they shall Enquire whole
they

they are, and bring them unto the Verderors.

So, if any Deer shall be found hurt, or dead within the Forest, at this time, they shall Enquire of the manner of its death, and inform the Verderors thereof.

And such is the severity of the Laws of the Forest, That if such Watchmen, or Wardeins, shall endeavour to Apprehend any Trespassers, or Offenders in the Forest, to bring them before the Verderors, as aforesaid, but cannot, by reason of Resistance made against them; in such cases these Officers shall, by the Laws of the Forest, make Hue and Cry after such offenders till they be taken.

Of keeping Dogs within the Forest, and Expeditating the same, and the Forfeiture for keeping them Unexpeditated therein.

Notwithstanding the strictness and severity of the Laws of the Forest, the Inhabitants within the same are allowed to keep such Dogs as are necessary for the preservation of their Dwelling Houses, and Goods therein, although some kinds of Dogs are forbidden to be kept within the Forest, except by some particular persons.

And therefore Farmers, and substantial Freeholders dwelling within the Forest, may keep Mastiffs for the defence of their Houses within the same, provided such Mastiffs be Expeditated, according to the Laws of the Forest.

The way of Expeditating of Mastiffs is done after this manner, viz. Three Claws of the Fore-foot shall be cut off by the skin, by setting one of his Fore-foot upon a piece of

Wood Eight Inches thick, and a Foot-square, and with a Mallet, setting a Chisel of Two Inches broad upon the Three Claws of his Fore-foot, and at one blow cutting them clean off.

And this Expeditating (by some called Hambling, or Lawing of Dogs) ought to be inquired of by the Regardors of the Forest every third year, and to present such as are not Expeditated, and by whom kept, and thereupon such Dogs are to be Expeditated, and the Owners of them Amerced 3 s. for keeping such Dogs so Unlawed.

But by the Laws of the Forest, if any Mastiff, that is Expeditated, be found upon a Deer, the Owner of such Mastiff shall be quit of the Fact. By which it appears, that the Inhabitants of the Forest may keep Mastiffs Expeditated, though they should chance to fasten upon the Deer therein.

Also, it appears by the Laws of the Forest, That he who hath a Lawful Claim, by good Title, may keep Mastiffs within a Forest Unexpeditated, and by such like Claim he may keep Greyhounds within a Forest; Notwithstanding Greyhounds and Spaniels are generally forbidden to be kept within a Forest, and Mastiffs Unexpeditated are expressly forbidden, yet there is less danger in Mastiffs than in Greyhounds, and there is no Law to Expeditate the latter, because they are forbidden to be kept in a Forest; so that no Person can keep any of them there, except he that hath a Grant for that purpose from the King.

And Note, That it is farther provided by the Laws of the Forest, That if a Mastiff that is kept within any Forest Unexpeditated, do hurt or kill any Wild Beast of the Forest, the Owner

Owner of such Mastiff shall be punished for such offence according to the quality thereof, besides the forfeiture of 3 s. for keeping such Mastiff unlawed.

Of Venison, its Name, and Signification.

AS old Foresters, by the general Term, Beasts of Venary, understand every Beast of Forest, so by the general word Venison, they mean every Beast of Forest and Chase, as a word of Art, only proper to those Beasts, and no other.

By the Laws of the Forest, The Foresters and Verderors shall meet together, once every forty days, throughout the Year, to see the Attachments of the Forest, concerning the Vert, and Venison: So that if any Person hunt in the Forest, and kill a Hare, the Forester may Attach him for that Offence, it being a Trespass in the Venison of the King's Forest. As appears by the Assises of the Forest of Pickering, where two persons were Indicted for Striking a Hare in her form, and Killing another within the Forest; one of whom was committed to Prison, and made his fine, and was also bound to his Good Behaviour toward the Forest; and the other of them was Outlawed. Whereby it appears, that Hares are Venison, and Beasts of the Forest.

This word Venison, in Latin, Venatio, is also often taken in a general Signification for any wild Beast killed by Hunting, as a Squirrel, Wild Goat, &c. though they are neither Beasts of Forest, nor Chase. In the East Countries People do usually hunt the Bear, and esteem it as excellent Venison; for by the word Venatio, is generally meant any man-

ner of Wild Beast that is killed, or taken by Hunting; Yet, with us, in some sence, the word Venison is only taken for the flesh of the Hart, the Hind, the Buck and the Doe, and the other Beasts of that kind; for amongst the Common People, nothing is thought to be Venison but the Flesh of Red and Fallow Deer; and the reason is, because such People do not believe any thing of Flesh-meats to be Venison, but such as are Bak'd, and eaten for Venison, as are the Red and Fallow-Deer. But there is a two-fold signification of the word Venison, one in relation to such Wild Beasts as are accounted Venison, for the Pleasantness and Delicious Taste of their Flesh; and the other in respect of the great Delight, Pleasure, and Satisfaction which all Lovers of Game do rather take in Hunting, Chasing; and Killing the Wild Beasts, whether of Forest and Chase, or otherwise, than they do in Eating them.

Of Hunting and Hawking withing the Forest.

2. Of the Abuses of Licences to Hunt therein. 3. The manner of Taking Fox-Deer yearly within the same. 4. How Cress-passers shall be punished for unlawfully Hunting in Forests.

The King, and all such Persons as have any sufficient Warrant or Authority by Charter or Grant from His Majesty, or His Ancestors, may only Hunt and Hawk within the Forest, and no other: Also all such Persons as have any lawful Claim allowed in Eyre, in respect of any Grant to Hunt, or Hawk within the Forest,

Forest, may use the same accordingly, provide they pursue their Authority in the same manner it is granted unto them.

But if any Knight, Esquire, or Gentleman, doth dwell within the Regard of the Forest, and be Lord of a Manor there, yet he may not Hunt, or Hawk therein, except he hath a lawful Claim for so doing allowed him in Eyre, as aforesaid; because, by the Laws of the Forest, no Person may Hunt or Hawk within any part of the Forest, that is within the Regard of the Forest, though it be within his own Fee, except he hath a sufficient Warrant so to do: And therefore, they must forbear to Hunt or Hawk in their own Grounds if they be within the Regard of the Forest, because it is a Trespass of the Forest so to do, unless they have good Warrant for the same.

But by the Charter of the Forest, Anno 9 H. 3. cap. 11. Every Arch-Bishop, Bishop, Earl, or Baron, coming to the King by his Commandment, and passing through any of his Majesty's Forests, It shall be lawful for any such Prelate, or Peer, to kill one or two of the King's Deer therein, by the view of the Forester, if he be present, or otherwise to cause a horn to be blown for him, that he seem not to steal the King's Deer. And the same they may do in their return home from the King. By which it appears, That those Prelates and Peers have, by the said Charter, a lawful Licence to Hunt in the King's Forests, but yet with this Restriction, That such Prelate, or Nobleman must be sent for by the King. 2. He must be an Arch-Bishop, or Bishop, Earl, or Baron. 3. Such Hunting must be made by the View of the Forester. 4. If the Forester be absent, a horn must be blown.

Then

40 Of the Laws and Privileges of the Forest.

Then as to Licences to Hunt or Hawk in the King's Forests, Chases, Parks, or Warrens, These things ought to be considered. 1. Who may grant such Licences. 2. Upon such Licences ought to be used. 3. The difference between a Licence of Profit, and a Licence of Pleasure, and a Licence in Law, and a Licence in Fact.

As to the First, The King being the Chief Monarch of this Realm (unto whom the Government, and Regulation of Forests, and such like places of Royal Pastime and Recreation do principally appertain) may Himself grant Licences to Hunt and Hawk in any of His Majesties Forests, Chases, Parks, or Warrens unto any of His Subjects, according to His Royal Will and Pleasure.

Secondly. Whosoever hath any special Authority derived from His Majesty in that behalf, under the Great Seal of England, may, in like manner, grant Licences, in some respect, and in some places, to Hunt, and Hawk in His Majesties Forests, Chases, Parks or Warrens; As the Lord Chief Justice in Eyre of the King's Forest may Grant a Licence, or give a Warrant to any Nobleman, or Gentleman that hath a Mannor, or Freehold therein; For the first to Hunt, and Hawk in his Mannor, or Lordship, and the other in his Freehold, according to the purport, or intent of such Grant, or Warrant.

In like manner, a Subject that is Lord of a Forest may Grant a Licence to whom he pleaseth to Hunt and Hawk in his Forest. But no person can Grant any Licence, or Give Warrant to any Man to Hunt and Hawk in the King's Forests, other than the King Himself, or His Chief Justice in Eyre of the Forest; or such other persons, as have the like Authority from the King, by some special Grant to do the same. For if any of the King's Foresters (or other Officer)

Officer) should attempt, or presume to do the same (ex officio) Not only such Forester (or other Officer) but all those who shall Hunt or Hawk with him there, by colour of such Licence, or Warrant, would be all Trespassors, and liable to the punishments of the Forest-Laws; Forasmuch as it is the Office and Duty of every Forester, or other Officer of the Forest, to preserve, and keep the King's Deer, for His Majesties use, and not to kill, or destroy them, except he be commanded (by special Warrant) so to do: And therefore, it is not to be reasonably supposed, That they can Licence, or give Warrant to any person to Hunt, or kill Deer, or any other Game within their Liberty, or Walk.

Neither can any Forester (or other such Officer) Hawk, or take any Fowls of Warren, as Pheasants and Partridges, within his Walk, in the Forest, because his Office is to preserve, and not destroy them; and therefore he cannot give, or grant any Warrant, or Licence to another to Hawk, or take any Fowls of Warren within his Walk, or Liberty, for if he do, although he hold his Office by Patent from the King, or some other Person, as hath power to grant the same, yet is such act such a Misuse, or abuse of His Authority, that it is a cause of Forfeiture of his Office.

In Licences to Hunt, or Hawk within a Forest, Chase, Park, or Warren, there is this difference to be considered, whether such Licence be of Profit, or for Pleasure only. For a Licence of Profit is, where a Man hath a lawful Warrant to kill and carry away with him the Game that is taken by him, either by Hunting or Hawking in any of those places above-mentioned; but a Licence of Pleasure is only where a Man hath

hath a Warrant to Hunt, or Hawk in a Forest, Chase, &c. but doth not thereby acquire any property in the Game he takes, and so hath not any Authority to carry away the same with him; neither can he that hath only a Licence of Pleasure, Hunt or Hawk with any more persons in his Company than himself; But he that hath a Licence of Profit may Hunt or Hawk with his Friends and Servants in his Company, and carry away with him the Game he hath taken to his own use.

Then, as to the manner of taking a Fee Deer yearly within the Forest, you ought to observe, That if any person hath a right, or interest to have Fee Deer, within a Forest, whether it be by Prescription, as belonging to an Office, or otherwise, he ought to give Notice unto the Forester, where his Warrant is to be served, in convenient time, and require him to execute the same according to the tenour and purport thereof. And if the Forester doth refuse to serve such Warrant after Notice given unto him to execute the same, Then may the person that is to have such Fee Deer, Enter into the Walk of the Forester so refusing, with his servants, or Attendants, and there Hunt, kill, and take such Deer, as he is of right to have, and Justifie the same, both as to himself, his servants, and Attendants; because he hath a Licence of profit, whereby he is authorised so to do. For it is a Maxim in the Law, That where any person hath a right, or interest to any thing by the Gift, or Grant of an other, or otherwise, but cannot come by the principal thing, without doing some other Act, which is the necessary means to acquire the same, in such case he may lawfully do that other Act which is the necessary means to come by the principal thing. As if
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one sells me all the Fish in his Pond, thereby the property of the Fish is in me, So that I may come upon his ground with servants, and Nets to take the Fish out of the Pond, and carry them away; And this I may lawfully Justifie as well as to my Servants, or those that Assist me in performing the same, as to my self, because that forasmuch as I, having an Interest and Property by Law in the Principal, may Justifie the necessary circumstance, and means to acquire the same.

And so it was Adjudg'd Mich. 13 H. 7 Where, in an Action of Trespass brought against one for Hunting in the Plaintiffs Park, The defendant did plead in Justification, That the Plaintiff, as Owner of the said Park gave a Buck unto one B. Master of this defendant, who, came with the said B. by his commandment, unto the said Park, as Servant to the said B. to help him to kill the said Buck; By virtue of which Command of the said B. the defendant Entred into the said Park, and there killed a Buck for his Master, as it was lawful for him to do: And this Plea was held by the Whole Court to be a good Justification; by which it appears, That where a person hath an Interest, or Right to have a Fee Deer within a Forest, Chase, or Park there he may Justifie the Killing and Taking away the same as well as to his Servants, as himself, it being the necessary means conducing to the Acquisition thereof. For otherwise, if the Forester, or Keeper, do refuse to kill and deliver such Fee Deer to the person who hath a right unto the same, if such person might not Justifie the killing and Taking the Fee Deer himself, he would be without remedy to come by the same, And therefore the Law hath provided, that he who hath such an

an interest, or right to have a Fee Deer in a Forest, Chase, or Park, if the Forester or keeper will not kill it for him, or deliver it unto him according to his Warrant, but refuseth so to do, then may such person, having such right, justifie the Killing and Taking the same, by himself and Servants, because it is the only means he hath left him to come by his Right: and this is justifiable as well by the Laws of the Forest, as by the Common Law of the Realm, for the 10 Article of the Assise and of the Forest, saith, "That if any person shall take a Beast of the Forest in the same without Warrant, his body shall be Arrested, wheresoever he be found within the Bounds of the Forest. By which it appears, That he which Takes a Deer in the Forest, without Warrant, is punishable for the same by the Laws of the Forest, Nevertheless he that Hunts and kills a Deer, within the Forest, by lawful Warrant, shall not be liable to be punished by the Laws of the Forest, or any other Laws whatsoever, for the interest or right of such person as hath used to have Fee Deer, is a sufficient Warrant in Law to the Forester or Keeper to kill and deliver the same unto such person, if he will, but if either of those Officers refuseth so to do, then the party himself, with others to assist him, may lawfully do the same.

Nevertheless he that hath such Licence, or Warrant to Hunt within the Forest must take heed that he do not abuse the same, for if he do, not only he, but all those that Hunt with him shall be accounted Trespassers from the Beginning in every thing they do, as if they had no warrant for doing the same, and shall be punished as Trespassers of the Forest.

And therefore every such Licence or Warrant ought to be strictly considered, by whom it was made, and whether he that made the same had power to grant such Licence or Warrant; 2. Unto whom the same was made, and for what Thing, what Time, and what Place. 3. Whether it be only a Licence of Pleasure, for the Party unto whom it is granted merely to divert himself in the Forest, Chase, or Park; Or a Licence of Profit, whereby the party obtains a Property in the Thing granted, and hath liberty to Hunt or Hawk with his Servants, or Attendants, and kill and carry away with him the Game he takes by virtue of such Licence: All which Things must be punctually Observed and pursued according to the nature of the Licence or Warrant, That the party to whom the same is granted, may avoid the imputation of being accounted a Trespasser, instead of receiving benefit thereby.

There is also an other division of Licences besides those of pleasure, and profit; viz. Licences in Law, and Licences in fact, or deed; The first is by word of mouth without writing, or by Prescription, as belonging to some Office within the Forest: and the other is a Licence reduced into writing under hand and seal ready to be produced upon any occasion, where the same is required.

And here it is to be observed, That a Licence in Law, that is by word only without Writing, is held to be of as great Validity between Subjects, as any Licence in Writing whatsoever, but whether it be so between the King and the Subject hath been question'd, because the King doth neither Grant, or Take any Thing but by Matter of Record. Nevertheless, by the Opinion of Shelley and Bryan in Easter Term 4 H. 7. The King

King may Give many Things without Writing, that shall be good as to Chatels. And in Michaelmas Term 39 H. 6. The defendant in Trespass did plead Justification by the King's Commandment, by word of Mouth only, without Writing, and held a good Justification; And therefore inasmuch as Hunting without Licence is but a Trespass at most, if a man may plead the Kings Commandment by word only in Bar of a Trespass, by the same parity of reason he may plead the King's Licence by word only in Bar of a Trespass. But in the other Case, it is without dispute, That if a Subject, being Owner of a Forest, Chase, or Park do Licence one to Hunt in any of them by word, without Writing, the same is good in Law.

Then as to the Punishment of Trespassers in Forests, that Hunt therein without any lawful Colour, or Warrant for so doing, If any Forester or Keeper shall find or take any such person or persons in the manner, he shall Arrest their bodies, and carry them to prison, from whence they shall not be delivered without special Warrant from the King, or his Majesties Justice in Eyre of the Forest, according to the Assise, and Customs of the Forest Anno 6. E. 1. Art. 10. And though the words there be, If any one shall take a wild Beast of the Forest, yet if any person be taken Hunting in the Forest, yet he is to be punished by the Law, as if he had killed and taken a Wild Beast of the Forest, for in that case the Will shall be taken for the Deed; As it was Adjudged in the Assises of the Forest of Pickering in the time of Ed. 3. That if one Enters into a Forest with a Bow and Arrows, or with Greyhounds with an intent to Offend there notwithstanding he doth commit no Act, yet he shall be punished as if he had done some Act,

Act, for the reason aforesaid; As in the same
 Assises an Abbot was, that lent a Bow and Ar-
 rows to one to kill the Kings Deer; for notwith-
 standing there was no Act done, yet the Abbot
 was Fined and Ransomed. And therefore if
 a Forester, or Keeper shall find any person within
 the Forest either with Bow and Arrows, or with
 Greyhounds intending to Offend there, he shall
 Arrest, and Imprison him as if he had com-
 mitted the Fact he intended, but the body of
 such Offender shall not be Arrested unless he
 shall be taken in the manner, which must be one
 of these four ways; viz. Stablestand, Dogdraw,
 Backbeare, or Bloodyhand. The first is when any
 person is found standing in the Forest, with a
 Bow ready bent to shoot at any Deer, or with
 his Greyhound in a Lease ready to slip; This
 the Ancient Foresters call Stablestand. The next
 is when one hath hurt; or wounded a Deer, or
 other Beast of the Forest, by shooting at him
 either by Bow, or Gun, and the Forester finds
 such Offender drawing after the Beast with a
 Hound to recover it; This Experienced Foresters
 call Dogdraw. The third is Where one hath
 slain a Wild Beast in the Forest, and the Forest-
 ers discover him as he is carrying away the
 same; This they call Backbear. Lastly Bloody-
 hand is, Where one is found Coursing in the
 Forest with the Blood of any Deer, or other
 Beast of the Forest upon him; or is any way
 besmeared with such Blood after Coursing, or
 is otherwise found in the Forest imbrued with
 Blood in any suspicious manner, albeit he be
 not seen to Hunt or Course there. All these are
 said to be taken with, or in the manner; And
 such Offenders as are found or taken by the
 Foresters in any of these cases shall be arrested
 by their Bodies; if they can, and be imprisoned;

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ed until they be delivered by the Kings Special
Commandment, or his Justice in Eyre of the
Forest. But they shall be punished at the Court
of Justice Seat by Fine at the discretion of the
Justice in Eyre there, and Imprisoned until they
have paid the same, and then be bound there to
their good behaviour towards the Forest for
ever afterwards: But this Punishment can
not be executed in every point, but only by a
Judicial Sentence pronounced by the Justice
in Eyre of the Forest at his Justice Seat there,
in which case the party is always first convict-
ed of the Offence, by a Lawful Tryal according
to the Laws of the Forest.

If any take Hawks, or Destroy Eyries of Hawks
in the Kings Woods, it is a Trespass against
the Assizes of the Forest, and the Offenders shall
make Fine for the same. Itin. Lanc. fo. 7.

If any person shall receive Venison of one
that hath unlawfully come by the same, as a
Trespasser in the Forest, the party that so re-
ceived the same shall be punished as well as he
from whom he had it. And by the Assizes of the
Forest, he that stealeth Venison therein, and car-
ries away the same upon his Horse, the Horse
shall be forfeited; but if such Malefactor takes
the Horse of a Stranger, and carries his stolen
Venison away upon the same, if such stranger
be ignorant of the fact, his Horse shall not be
forfeited. Itin. Pick. fo. 3.

And it appears by Hill. 13. H. 7. That if one
command another, or divers to commit a
Trespass in the Kings Forest, Chase, Park, or
Warren as to Hunting, or Chasing of Deer, or o-
ther Beast, or Fowls, in this Case, he that
Commands the other to do such unlawful Act,
is as much a Principal in such Trespasses as
They that do the fact, for in Trespasses of
the

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the Forest all are Principals, and there are no Accessories in such Trespasses, as at Common Law.

And farther it is to be observed, That if a Forester, Keeper, or other Minister of the Kings Forest, Chase, Park, or Warren, that hath the care and charge of the Kings Game, and by his negligence will not Attach or apprehend them for the same, it is a Forfeiture of his Office. And not only the Foresters, and Ministers of the Forest, but every other person, dwelling within the Forest, shall likewise do his uttermost Endeavour to Attach and apprehend such Offenders, and Trespassors in Forests, and if he cannot take them himself, he shall cause Hue and Cry to be made after them, to the end they may be taken thereby, as if they were Felons.

And if upon such Hue and Cry made, the Offenders do still continue in their Offences, or do flee, or defend themselves with force, and will not keep the Peace, nor yield themselves when required so to do: In such cases, whoever, coming to the Assistance of the Foresters, shall chance to kill any such Offender, within the Bounds of the Forest, shall not be Arraigned for the same before the Kings Justices, or any other his Ministers of Justice, but shall be acquitted of the same, as if no such act had been done.

And if the Foresters, and those with them, cannot apprehend such Offenders in the Forest, by reason of their flying out of the same; Then may they follow such Offenders with Fresh Pursuit being still within view, but not otherwise, out of the Forest, and there Apprehend them; but then they cannot use such Extremity and Force with such Offenders, as they might do if they were within the Limits of the

Forest; And therefore the usual way is (in case such Offendours cannot be taken without danger) for the Foresters to inquire, and find out their Names, with the places of their Abode, and present them to the next Swanimote, or Court of Attachments, That they may be proceeded against according to the Laws of the Forest.

Of the **Purlicu**, or **Pourallee** of the Forest, and who may Hunt therein, when, how often, how far, and in what cases.

A Purlicu, or Pourallee, is a Circuit of Ground adjoyning unto the Forest, Circumscrib'd with immovable Boundaries, known only by matter of Record; This Compass of Ground was once Forest, and afterwards Disafforested by the Perambulations made for the severing the New Forests from the Old. This Pourallee began at the first after this manner, viz. When King Henry the II. came first to be King of England, which was Anno Domini 1154. He took such great delight in the Forests of this Kingdom, That (being not contented with those he found here, though many and large) he began, within a few years after his coming to the Crown, to enlarge divers Great Forests, and to Afforest the Lands of his Subjects that any way were near adjoyning unto those Forests, and so they continued during his Reign.

After whose death, King Rich. 1. Succeding him to the Throne, within some short time after his coming to the Crown, began to follow the Example of Hen. 2. His father, not only in the delight and pleasure he took
in

in Forests, but also in daily Afforesting the Lands of his Subjects that any way lay near to his Forests; by means whereof, the Inlarging of Forests did daily increase during his Reign.

After whose decease, King John, his Brother, coming to the Crown, did, in like manner; soon afterwards begin by little and little to follow the Examples of his Father and Brother, in Afforesting the Lands of his Subjects, that lay any way near unto his Forests, so that the greatest part of the Lands of the Kingdom was become Forest. And thus they continued until the 17th year of his Reign, at which time, in regard this grievance was not particularly injurious unto a small number, or the meanest persons, but generally to all degrees of People, divers Noblemen and Gentlemen, finding a convenient opportunity, repaired to the King, and besought him to Grant unto them, That they might have all those New Afforestations that were made by King Hen. 2. Rich. 1. and himself disafforested again: All which King John seemed not unwilling to do, but promised to grant accordingly, and at last consented to subscribe, and seal to such Articles concerning the Liberties of the Forest, which they then demanded, being for the most part, in such sort, as are now contained in the Charter of the Forest of the said King John, dated at Runnymede, or Ryme-Mead, between Stanes and Windsor, the 15th of June, in the 18th Year of his Reign.

At which time the said King John gave them liberty to choose certain Honourable Persons, who should have Authority to see those things performed which he had then Granted. Whereupon they made choice of divers Noblemen and Gentlemen, to the number of 25, who

were Sworn (with others their Associates) to see the aforesaid Liberties, so Granted and Confirmed by the King, to be in every point observed. And further, the King sent his Mandates to the Sheriffs of every County, to see these Ordinances of his to be diligently observed and kept, and moreover procured the Pope to Confirm the same. Notwithstanding all which, before any Disafforestation was made upon this Grant, King John dyed at Newark Castle in Nottinghamshire.

After whose death, Henry the third, his eldest Son, at the age of 9 years, succeeded in his Throne. So that by reason of his Minority nothing was done until the 9th year of His Reign, at which time the Two Charters were made, and Confirmed by the said King Henry the Third, called Magna Charta, and Charta de Foresta, and caused to be sent into every County throughout the Kingdom to be Published, and Proclaimed.

And for the better accomplishing and performing of those Articles of Charta de Foresta, as concerned the Disafforestation of such Woods and Lands as were Affrested by H. 2. R. 1. and King John, The said Henry the Third Ordered Inquisitions to be taken by Substantial Jurors for severing the New Forests from the Old; And thereupon two Commissioners were sent to take those Inquisitions; by virtue whereof, many great Woods and Lands were not only Disaffrested, and improved to Arable Land by the Owners thereof. So that now after this Charter thus made and confirmed; some of these New Afforestations were perambulated, and after such Inquisitions taken, and the certainty known by Matter of Record, which were the Old, and which were the New Forests.

Nevertheless the greater part of the New Afforestations were still remaining to be Disafforested during the Life of King Henry the Third.

After whose decease, Edward the First, his Eldest Son, Succeeded him into the Crown, who being often besought, and Petition'd as well by the Nobility, as Commonalty of this Kingdom, to Confirm the aforesaid Liberties, which his Father had Granted, was graciously pleas'd to Confirm the same according to their Request. And now all things having been Granted, Performed, and Confirmed concerning the two Charters, viz. Magna Charta, and Charta de Foresta, the same were Delivered, Signed, Sealed, and Confirmed, to the Sheriffs of London, to be Proclaimed, which was accordingly done in Paul's Church-yard, in the Presence of a Numerous Concourse of People there met together. Whereupon the Lords and Commons too, after began to put the King in mind of Granting Commissions to Persons fitly qualified for the same, that Perambulations might forthwith be made of all New Afforestations, that they might be Disafforested, according to the First and Third Articles of Charta de Foresta.

Whereupon three Bishops, three Earls, and three Barons were appointed by the King to take care of, and see that the Perambulations performed, who caused them to be made accordingly, and Inquisitions to be taken thereupon, and returned into the Court of Chancery; Whereby the King was ascertained what Woods and Lands were Ancient Forests, and what were Newly Afforested, and caused all those that were Ancient Forests to be Measured, and Bounded with irremovable Boundaries,

to be known by Matter of Record for ever. And likewise those Woods and Lands that had been Newly Afforested, the King caused to be separated from the Old, and to be Returned into Chancery by Marks, Meres, and Bounds to be known, in like manner, by matter of Record for ever.

By which it appears, how the Purlieus, or Pourallees had their first beginning; For, all such Woods and Lands as were Afforested by H. 2. R. 1. or King John, and by Perambulations severed from the Ancient Forests, were, and yet are, called Pourallees, viz. Woods and Lands severed from the Old Forests, and Disafforested by Perambulation; Pourallee in French being the same as Perambulatio in Latine.

But, notwithstanding such New Afforestations were Disafforested by Perambulation, whereby the same became Pourallee, or Purlien, yet they were not thereby so Disafforested as to every Man, but that they do, in some sense, continue Forest still as to some Persons, though Disafforested, in some sort, as to others. For by the words of Charta de Foresta, if the King had Afforested any Woods or Lands of his Subjects, to the Damage of them whose they were, they should be forthwith Disafforested again, that is, only as to those Persons whose Woods and Lands they were, who, as the proper Owners thereof, might fell and Cut down their Woods at their own pleasure, without any Licence from the King, as also convert their Meadows and Pastures into Tillage, or otherwise improve their Grounds to the best advantage. In like manner, They might Hunt and Chase the Wild Beasts of the Forest towards the same, so that they do not Forestall them in their return thither; but yet no other person

person could claim such benefit in the Pourallee but only the proper owner of the Soil thereof; So that the same remains Forest still, as to all those that have no property in the Lands therein: For the Owners of the Woods and Lands therein may suffer the Pourallee to remain Forest still, if they be so minded, notwithstanding such Disafforestation (as appears by the Statute of 33 Edw. 1. cap. 5.) as some have thought it most expedient for them, because thereby they had the benefit of Common within the Forest, which otherwise, by having their Lands severed from the Forest, by way of Pourallee, they were excluded from: Which doth prove, That the Woods and Lands in the Pourallee are Disafforested only for the Owners thereof, and not for every one to Hunt, and spoil the wild Beasts there at his pleasure; for if they chance to wander out of the Forest into the Pourallee, yet the King hath a property in them still against every Man, but the proper owner of the Grounds wherein they are, for such person hath a special property in them *ratione soli*, but yet so as he may only Take them by Hunting, or Chasing with his Greyhounds, or Dogs, without any Forestalling, or Foresetting them in their Course back again towards the Forest; for the King hath always Rangers in the Pourallee to attend such wild Beasts of the Forest, as come there, to recchale them back into the Forest; which proves, that though the wild Beasts of the Forest do by chance stray into the Pourallee, yet the King hath a Property still in them, or otherwise the Ranger could have no lawful Authority to Recchale them into the Forest.

So it appears by Hill. 13 Hen. 7. fo. 16. pl. 14. That though a Man may prescribe to Chase

Chafe the Wild Beasts in my Ground, which are my Wild Beasts, yet he may not prescribe to Chase the King's Wild Beasts, which are in my Grounds, such as are the Wild Beasts which stray out of the Forest of the King into the Pourallee.

In like manner, it is the Opinion of Mr. Justice Cockeine *11 Palch. 7. Hen. 6. fol. 36. pl. 41.* That if a Hart go out of the King's Forest, the Foresters may follow him, and make Proclamation in the adjacent Towns, that no Man presume to Hunt, or slay him, after which it is not lawful for any one to molest such Harts: Whereby it appears, That though such Wild Beasts be out of the Forest, and in the Pourallee, yet nevertheless the King hath still a Property in them, which proves, that the Pourallee is in some sense a Forest, still for the King's Wild Beasts to have their free Concourse in, and safe return to the Forest, without molestation of any Person, except the Owner of the Grounds in the Pourallee, who, when he finds them there, may Recatch them, towards the Forest, provided he do neither Forestall or Forelet them in their return thither.

Yet notwithstanding what hath been hitherto said of a Forest, and a Purlieu, or Pourallee, there is still this further difference to be observed between them, which is, That all the Woods and Lands within the Regard of the Forest are absolutely within the Bondage and Charge of the Forest, as well in respect of the Owners thereof, as of any other Person; for no Person may Cut down his own Woods, or Improve his own Lands within the Regard of the Forest, without Licence from the King, or His Chief Justice in Eyre of the Forest: Neither shall any

any person, in any wise Hunt, Chase, or molest the Wild Beasts of the Forest, in his own Grounds within the Regard of the Forest, without Licence, or Warrant from the King, or his Chief Justice of the Forest, so to do.

But those, whole Grounds are within the Pourallees, are not subject to the Bondage of the Forest, in as much as their Lands are without the Regard of the Forest, and therefore may Cut down their own Woods, Convert their Meadows and Pastures into Tillage, and otherwise Improve their Estates there to the best advantage, at their Pleasure, without Licence or Warrant for so doing; but yet the Woods and Lands in the Pourallees, are not absolutely freed from the Bondage of the Forest, in respect of the Wild Beasts having their Haunts therein when they happen to stray out of the Forest; and therefore as they were once absolutely Forest, so they are still in some sense, that is to say, conditionally Forest, and not absolutely free.

If, as to such Lands which neither are, or never were either Forest or Pourallee, but allways absolutely free, if they adjoin not too near unto the Limits of the Forest, It is lawful for any person that is owner of such Lands, (provided he be qualified by Law to keep Greyhounds) to Hunt and Chase with his Dogs such Wild Beasts as he shall find therein; but he must take heed that he do not forestall, or forget them in their return to the Forest.

But who shall be said properly to be a Pur-lieu-Man, and that may lawfully Hunt in the Pourallee do next fall in course under consideration. And therefore you are to know, That notwithstanding the Pourallee be Forest still to such persons as have not any Lands of Inheritance

heritance therein, yet such as have, according to the value required by Law, may keep Greyhounds, and when they find the Wild Beasts of the Forest within these grounds in the Pouraltee they may Chase them towards the Forest; for as Owners of those grounds they have property in such wild beasts *ratione Soli*, so long as they are in the same; And if they do first make their Course in these own grounds, within the Pouraltee, they may pursue their Chase through every Man's Grounds; but if the Wild Beasts do make towards the Forest, they must not Forestall or Foreset them, either with Dogs, Guns, Cross-bows, Longbows, Hays, or other Engine whatsoever, but suffer them to have their free passage thither: for all such Forestalling or Foresetting is absolutely forbidden by the Assises of Woodstock, made in the 30 Year of Henry the Second, on pain of the Offenders suffering a Years Imprisonment, and making Fine at the King's Discretion; So that the Pouraltee is free (in some respect) for some sort of Persons to Hunt therein, and who they ought to be shall be next declared.

First, Then you must understand, That he who may lawfully hunt in any Pouraltee ought to have Woods or lands of freehold within the Pouraltee, to the yearly value of 40s. according to the Statute of 13 Rich. 2 cap. 13. and according to the Statute of 1 Jac. 1. cap. 7. He ought to have lands of Inheritance of the yearly value of 10li. or lands of freehold of the yearly value of 30li. or have goods worth 200li. or be the Son of a Knight, or Baron, or person of a higher degree, or Son and heir apparent of an Esquire. But by a late Act made in the 22 and 23 yeare of the
Reign

Reign of King Charles the second, chap. 25. No Man may keep Greyhounds within the Pourallee, or elswhere within England or Wales, other than he that hath Free Warren, or is Lord of a Manor, or is such a Freeholder as is leased in his own right, or the right of his wife of lands, tenements, or hereditaments of the clear yearly value of 40li. (over and above all charges, and reprises) of some Estate of Inheritance; or of lands, tenements, or hereditaments in his own right, or in the right of his wife, (for term of life, or lives.) of the yearly value of 80li. (over and above all Charges, and Reprises.) Or that is worth in goods, or chattels 400li. For no person, as the Law is now at this day, may hunt his own Pourallee, with Greyhound, or other Dog, that is likely to kill any Beast of Venary, or Chase, Except he may dispend after the rate last above mentioned, by the year of Free-Lands within the Pourallee, or otherwise, as is last before declared; and for that reason the Pourallee is called Purluy, or said to be for him that is so qualified, but so that he allways first begin his Course in his own grounds within the Pourallee, from whence it hath the name of Purliu [for the place] by which is meant his own grounds in particular, but not generally every place, or every mans Grounds within the Pourallee, and that by reason of the difference (which hath been before observed) between a Pourallee-Man, and one that hath Grounds within the Pourallee: For notwithstanding a Man hath Grounds within the Pourallee, yet if he be not qualified by Law according to the Statutes before cited, he is no Pourallee-Man; Nevertheless if he finds any wild Beasts of the Forest in his own Grounds within the Pourallee, he may Chase them there-
out

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out with little Dogs, but not with Greyhounds
or other great Dogs as appears by the Case of
Arundales Case, in Hill. 43 Edw. 3. fo. 8. pl. 23.
But if a Man have no Estate of Inheritance
within the Pourallee either in Lands or Woods
there, he cannot pretend to any Privilege there-
in, but is utterly Excluded from Hunting or
Chasing therein, for to such the Pourallee is ab-
solutely Forest still: It being a Privilege only
intended for a Pourallee-Man to Hunt and Chase
there, in his own Grounds and not other-
wise.

But then, in the next place ought to be con-
sidered, in what manner a Pourallee-Man may
Hunt, and chase the wild beasts of the Forest,
within his own Pourallee, for the understanding
of which, he ought to know, That when he
finds any wild beasts of the Forest, within his
own Grounds, in the Pourallee, he may let slip
his Dogs, at them, and hunt and chase them to-
wards the Forest, but he must take heed he do
not hinder their return to the Forest, lest he
incure the penalty of the Statute of Hen. 2.
made at Woodstock, as hath been before men-
tioned. For though he finds such wild beasts
in his own Pourallee, and in respect thereof, hath
a property in them, *ratione soli*, against all
persons but the King, nevertheless such his
property is only upon this Condition, That
if he can slay them with his Dogs in chase, with-
out foxstalling; before they can recover the
Forest, then they are absolutely his, but if they
once recover the Forest, though they be but
within the List of the Forest, before the Dogs
fasten upon them, then they are the Kings, or
other owner of the Forest.

But if such Pourallee-Man do first make his
Chase in his own Freehold, he may pursue the
same

same through every mans grounds within the Pourallee, provided he enter not into the Forest, which he may not do, unless where he finds the wild beasts of the Forest in his Pourallee grounds and lets slip his dogs at them, and in chasing them towards the Forest, the dogs fasten upon one of them, before it can get into the Forest, or the limits thereof, and the wild beast by force draws the dogs, as they hang upon him, into the Forest, and being a considerable space within the same, the dogs slay the wild beast; In this case, by reason of the first property the Pourallee-Man had in the beast *ratione Soli*, and likewise by the pursuit, and possession thereof by his dogs, before it got into the Forest, he may follow his Chase into the same, and there take, and carry away the Beast, because he was actually possessed thereof by his dogs (being in the nature of Servants) as of his own proper goods, before the Beast could recover the Forest.

But it appears by Mich. 12 H. 8. fo. 10. That if a Pourallee-Man begins his Course in another Mans ground, where the wild beasts of the Forest are, within the Pourallee, if his dogs fasten upon a wild beast, before it can get within the Bounds of the Forest, and the beast draws the dogs into the Forest, and is there slain by them, here the Pourallee-Man shall not enter into the Forest, nor take the beast so killed, because his Course was wrongful from the beginning, for he could claim no property in the beast *ratione Soli*, because he began his Chase in another Mans ground; And therefore though he come not within the limits of the Forest, yet he shall be deemed a Trespasser there, upon account of his dogs entering therein, and killing a wild Beast there, and he having no right or interest
 to

to chase in the other Mans grounds where he began his first Course, cannot justifie such Act, as done by a lawful Pourallee-Man, that found the wild beasts in his own grounds within the Pourallee; but the owner of the Grounds where the Chase was first begun, might well have made such Justification.

So, if a Man lets his Falcon at a Pheasant, in his own Wood, he may pursue his flight after the Pheasant into any other persons ground And notwithstanding his Falcon kills the Pheasant in the other persons ground, yet the Master of the Falcon shall have the same, and not the Owner of the Ground where it was killed, for the reason above given.

In the next place it is to be understood, That a Pourallee-Man must hunt his own Pourallee himself with no more Company than his own servants, neither may he appoint, license, or warrant any other person, except his servants in his presence, to hunt by his Commandment in his Pourallee; for the Authority that he hath is but a Conditional Licence of profit, which is strictly annexed to his person, and cannot be transferred to another; As Mich. 18. Edw. 4. fo. 14. pl. 12. in Ashtons case, If one grant me Licence to hunt, and kill a Buck, in his Park, and afterwards to dispose of the same, my servants cannot justifie killing the Buck by my Commandment, because the Licence goes strictly to me, unto whom it was granted, and to no other person whatsoever.

Moreover no Pourallee Man may hunt, or slay any rascally Deer, viz. such as are out of season, which he shall find at any time in his Pourallee, for such are good for nothing when dead, and commonly not able to stand course, or shift for themselves.

And,

Also, when a Pourallee-Man lets slip his dogs at the wild beasts of the Forest in his own Grounds, and his dogs do still pursue their Course towards the Forest, he must take care, before they enter the same, to recall them back, for otherwise, if they happen to kill that Beast, or any other in the Forest, he will be deemed a Trespasser that kills Deer within the Forest; But if he calls back his dogs before they enter the Forest, he would be excused, though they should happen to kill a Deer therein, provided he Enter not into the Forest, nor meddle with the Deer so killed.

Then, as to the time when and how often a Pourallee-Man may Hunt in his own Pourallee, you are to observe, these Rules following.

1. No Man ought to Hunt in the night, viz. after Sun setting, and before Sun rising; for, by the Law, in some cases, from Sun rising to Sun setting is accounted, a day, called dies Solaris; And the reason why no Man is permitted to Hunt in the Pourallees in the Night time, is, That the Wild Beasts may not be disturbed of the peaceable feeding, and rest they enjoy in the night time in the Forest; for 'tis utterly impossible to Hunt in the Pourallees in the Night, without disturbing the Wild Beasts that are within the Forest: For though peradventure the dogs in their Course do not pursue the Deer out of the Pourallees into the Forest nevertheless the Noise that is commonly made at such times by the dogs running at the deer, and the tetrour of those deer that are then affrighted out of the Pourallees into the Forest, will in a great measure disquiet, and abundantly terrifie those Wild Beasts that are within the Forest. Besides, it is the nature of those wild beasts to seek their food in the night

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time being a time of rest, when no body is stirring to molest, or disturb them: for all the day they confine themselves to their Coverts, being afraid of the noise which is made by all sorts of people, that are then abroad about their business, and occasions, so that then they cannot rest quietly, or with that liberty and freedom they delight in. And therefore hunting in the Pourallees, or other places, in the Right time, is expressly forbidden by the 13 Article of the Allizes of Woodstock.

2. No Pourallee-Man may Hunt on the Lords day, (commonly called Sunday) for that day is wholly appropriated to the Service of Allmighty God, and by his Laws appointed to be kept holy, and not be profaned by using or doing any Worldly Business therein. Besides by the Statutes of 1 Car. 1. cap. 1. and 3 Car. 1. cap. 4. Penalties are provided against such persons as shall use any unlawful Exercise, or Recreation, Sports or Pastimes whatsoever upon the Lords day: Whereby Hunting, and such like Sports, and Recreations are also forbidden to be used on that day by the Laws of the Realm.

3. Pourallee-Men are Forbidden by the Laws of the Forest to Hunt in their Pourallee, during all the time of continuance of the Fawning or Fence Month, which begins fifteen days before Midsummer, and ends fifteen days after; for then either the Fawns being very young, or the Does big bellied are neither able to run, or stand a Course: And therefore Hunting at that time, their dogs peradventure pursuing their Chase into the Forest, may make great destruction of the Kings Game therein, and for that reason this space of time is called the Forbidden Month, wherein no Man may either hunt in the Forest, or Pourallee.

4. Every

Of the Laws and Privileges of the Forest. 6.

4. Every Pourallee-Man is forbidden, by the Laws of the Forest, to Hunt in his own Grounds within the Pourallee, every day, or oftener than three days in any one week; (Sunday excepted) Least with the Noise, and Terror of their often Hunting in the Pourallees, the wild Beasts of the Forest be disquieted, and put from their food, and wonted Layer.

5. A Pourallee Man may hunt in his own grounds, within the Pourallee, with more Company than his own Servants; for the Laws of the Forest do prohibit Multitudes of people to meet together, only to Hunt, lest they should terrifie and disturb the Kings Wild Beasts, that are within the Limits of the Forest. Nevertheless the Privilege every Pourallee-Man hath of hunting in his own Pourallee, being an Interest both of Profit and Pleasure, he may, therefore in that respect, lawfully Justifie the Hunting therein both for himself, and for his Servants: for, as hath been said before; he hath only an Interest, or Licence of Pleasure, may Justifie for himself, but not for his Servants: But notwithstanding a Pourallee-Man may Justifie to Hunt with his Servants, yet he cannot Justifie to Hunt with every other person.

6. All the Laws of the Forest, and Charters made concerning the Pourallees do forbid every Man to disturb, or make Course after any Deer, found in his Pourallee, within forty days, next after the King hath made a General Hunting in the Forest, adjoining thereunto; Because then the Wild Beasts of the Forest come not into the Pourallees of their own Accord, but as they are forced into the same by the Hunters, with clamours and blowing of horns, so that they fly thither for refuge, where they are privileged

bliged to rest in peace for forty days, without being hunted, chased, or otherwise molested; In which time it is presumed they will either return of themselves unto the Forest, or be rechased thither by the Rangers, with their Dogs: And therefore the Wild Beasts have that time of Liberty allowed them to remain there undisturbed, as appears by the Charter granted for the Pourallees of the Forest of Windsor in the County of Surrey.

7. No Man shall presume to Hunt within seven Miles of the Borders of the Forest, or in his own Pourallee, within forty days next before the King hath issued out his Proclamation, declaring his Royal Will and Pleasure to make a General Hunting in that Forest; Because that during all that time, the wild Beasts of the Forest ought to have the liberty and freedom of their Coverts and Thickets to enjoy their full repose and quiet therein, until the King comes to view them, and make choice of such as he shall think fit to Hunt and Chase for his Game.

8. It is not lawful for any Man to Hunt in the Pourallee, at such time as a Forester is serving a Warrant within that part of the Forest, that borders upon such Pourallee; Nor at such time as any Nobleman is Hunting in such part of the Forest; (If such Pourallee-Man have notice given him thereof.) That the Game in the Forest may not be disturbed at such times.

9. And lastly, No Pourallee-Man, or other person may Hunt or Chase any unreasonable Deer, viz. Deer of Antler, in the Winter, or Does, and other winter Deer, in the Summer; For when they are out of season they are unwholesome, and not fit for the use of Man. Besides (as hath been said before) they are commonly not able to stand Course, or shift
for

for themselves, by making their Escape into the Forest again: And therefore the Laws of the Forest do utterly forbid the Courling, Hunting, or killing them in the Pourallees, or elsewhere, while they are out of Season.

And these are the Laws and Ordinances of the Pourallees made in the time of Henry the Second, at Woodstock, which though they seem chiefly to respect disorderly Hunting in the Pourallees, yet they might be more properly called the Laws of the Forest (in asmuch as they tend chiefly to the preservation of the Wild Beasts of the Forest) if it were not for their coherence and dependance upon the Common, and Statute Laws of this Realm, being indeed grounded upon the Reason of the Common Law.

Of the Officers belonging to the Pourallees, called Rangers.

INasmuch as the Pourallees were once, and in some sense still are Forest, therefore it was necessary to have Officers there, to Attend, and take upon them the Charge of the preservation of the wild Beasts of the Forest, that should happen to make their Escape out of the Forest, and come therein; for otherwise the Laws of the Pourallees could not be executed, and so the Forest would be destroyed by the Pourallee-Men in a short time. For which reason Rangers were first appointed; Who, notwithstanding they are not Officers in the Forest, yet are Officers considerable of, and to the Forest; for all Officers in the Forest have charge of the Vert, and Venison of the Forest, but a Ranger hath (no charge of Vert, but) only charge of

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Venison coming out of the Forest into the Pourallees, his place of Charge, from whence his Office is to Condukt the same back again into the Forest.

This Officer is appointed by the King, or his Chief Justice in Eyre, and made by Letters Patents under the Great Seal, with a Fee commonly of 20, 30, or 40 li. or more by the year, payable out of the Exchequer, as also certain Fee Deer both red and fallow to be taken annually at proper seasons, out of the Forest.

The Substance of his Oath is this.

To Rechase, and with his Hounds drive back the wild Beasts of the Forest, as often as they range out of the same into his Pourallee.

To present all unlawful Hunting, and Hunters, of wild Beasts of Venary and Chase, as well within the Pourallees as within the Forest.

To present those, and all other Offences at the next Court of Attachments, or Swanmote, which shall first happen.

These Officers, called Rangers belong only unto such Pourallees as were once the Woods and Lands of the Subject and were afterwards disafforested again, and so became Pourallees; but there be some Forests in England, that never had any enlargement by new Afforestations, and therefore have no Pourallees at this day; So that there can be no Rangers belonging unto them because they have no Pourallees. For which reason, it appears by a case in Pasch. anno 7. H. 6. fo. 36. pl. 12. That in such Forests, where there be no Pourallees for the wild Beasts to Escape into out of the Forest, no Rangers to rechase them back again into the Forest, there

there the Foresters may follow the Wild Beasts out of the Forest, and recatch them into the Forest. But where there be Pourallees, and Rangers there the Foresters cannot do so, unless that such Foresters do follow them with fresh pursuit within their view.

How and where Offences in the Pourallees shall be tried, and punished,

In regard all Offences committed within the Pourallees, contrary to the Laws aforesaid, are accounted trespasses of the Forest, as being injuries done to the Wild Beasts of the Forest, therefore the Rangers are bound both by their Oath and Office to look after the same; And to present as well such Offences, as Offenders, at the next Court of Attachments, holden for the Forest, next adjoyning unto the Pourallee wherein the Offence was committed, or else at the next Court of Swanmote, or Justice Seat, which shall first happen to be kept for that Forest. To the intent that such Offenders may be tryed for such their Offences at the Court of Swanmote before the Verderors, Foresters, Regardors, Agisors and other Ministers of the Forest, according to the Laws and Ordinances of the Forest.

After which Tryal, and Conviction thereupon, for any the Offences aforesaid, The Offenders so Convicted, are to be bound over, with sufficient Sureties, to be of the Good Behaviour towards the Forest, till the next Court of Justice-Seat to be holden for that Forest, upon which the Pourallee borders, wherein the Offence was committed; where they are to be punished at the Discretion of the Lord

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Chief Justice, or other Justice in Eyre of the Forest, by Fine or Imprisonment, or both: For no Judgment can be given, or Judicial Process awarded in the Court of Swanimote, for that is peculiarly reserved unto the Lord Chief Justice, or other Justices in Eyre of the Forest.

And Note, That at every Court of Swanimote, all Presentments of the Foresters, for any Offence committed within the Forest, or the Pouraltees thereof, are there to be delivered to the Jury, who are Sworn to Inquire of the Truth of those Matters; and if they find such Presentments to be true, then the Offenders shall stand Convicted thereof in Law, but shall not be admitted to Traverse any such Presentment, because it is contrary to the Assises of the Forest.

Nevertheless, all Presentments made by the Foresters and Jury, against any Person for an Offence committed in the Forest, or any Pourallee belonging thereunto, before the Lord Chief Justice, or other Justice in Eyre of the Forest, at the Justice-Seat or Court of Grand Sessions of the Forest, are Traversable by the Assises of the Forest, as was Adjudged by the whole Court, at the Justice-Seat holden at Waltham-Cross in Essex, before the Earl of Bedford, then Lord Chief-Justice in Eyre of all the Forests on this side Trent, in July in the 24th Year of the Reign of Queen Elizabeth; where certain Offences were presented at the said Court of Justice Seat by the Foresters and Jury against divers Offenders, which were all Traversed, because they were not first presented at the Court of Swanimote, and found by the Jury there, and Convicted, by which means they become Matter of Record, and therefore not Traversable.

Moreover

Moreover, there is also a Method of Proceeding against Offenders in Forests, and Pourallees by way of Outlawry, which is after this manner; If any person be presented, for any Offence committed within the Forest, or the Pourallees thereof, at either of the Courts of Attachments, or Swanimote, and such Offendor do dwell in a Foreign County, out of the Forest, so that he cannot be Attached by the Foresters to Answer the same, then he shall be Outlawed for such his Offence, according to the Proceedings of Outlawries at Common-Law; That is to say, he must be Exacted, or called to appear and render his Body, at five severall County-Courts, and then when he is quinto exactus, or the fifth time called to appear, the Coroner of the County where such Proceedings are made, will, for such his Contempt in not appearing, pronounce him Outlaw'd, that is, out of the Protection of the Law, and so such an Offendor shall be taken as an Outlaw wheresoever he can be found, and shall forfeit all his Goods and Chattels to the King, and the Profits of his Lands, by Inquisition of the Sheriff, and the Coroners.

Lastly, We shall set down such of the Articles of the Charge given to the Jury, at the Court of Swanimote, as relate to the Offences committed in the Pourallees.

1. You shall Inquire if all those that owe suit to this Court, be here, and those that be not, you shall present their Names.

2. If there be any that maketh any great, or small Closes next to the Borders of the Forest, and Inlargeth his own Ground, by setting out his Hedges and Ditches, whereby the Forest is freightned.

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3. If any Person hath lately burnt any Heath, Fern, or Ling, within any place adjoining to the Forest, you shall present the same.

4. If there be any Person that hath Hunted the King's Deer within Seven Miles about the Forest, at any time within Forty days next after the King's Hunting therein, or Forty days before it was so Hunted, for these Reasons; First, Because the King before his Hunting, or his Commission granted to kill the Deer, might have a sight of them, where they lie at rest in their haunts; And Secondly, because the Deer, after the King's Hunting, being driven out of the Forest, by the force of the Hounds, and Mass of Men, and Horns, may afterwards resort to their haunts in the Forest: If to any such, you shall let us know who they are.

5. If any Person hath any Great Park, or Great Close within Three Miles of the Forest, that have Saltaries, or Great Gays, called Deer-leaps, to receive Deer into them, when they be in Chasing, and when they are in them cannot get out again.

6. If any Person hath slain any of the King's Deer within the Forest, without Warrant, you shall present his Name, and what Deer was so slain, and within whose park the same was done.

7. If any Person that had a Warrant for Deer, hath taken more than his Warrant did mention, how many, what Deer, and of what season (for a Buck is out of season in Winter, and a Doe in Summer) and whether he took the Deer, compassed in his Warrant, without sight of the Verderors or Foresters, or not.

8. If any person keeps any Hounds, or Dogs, and Riding, or Goring, or bounding the Forest, or the Highways, or any other way, or any other place, Dogs, but suffereth them to Chase, and Kill the King's Deer, wherever the Death of such Deer without the Forest, or within the Forest, you shall present the Name of the Person, and the Deer killed.

9. If any Person hath taken any Deer with Nets, Cords, Ropes, or other such Engines, or other Engines, and who keeps any such Engines within the Forest, or near it, you shall present their Names, and the Time, and the Place, and the Name of the Person, and the Deer killed.

10. If any Person Chase, or Hunt, or let any Net, or Engine, though he kill not, you shall present his Name, and the Time, and the Place, and the Name of the Person, and the Deer killed.

11. If any Person come into the Forest, and take any Fox, or Hare, or any other Beast, or Fowl, or Warren, without Authority, the Name is punishable as a Breach of the King's Free Chase, and therefore you shall let us know the same.

12. If there be any Person that dwelleth about the Borders of the Forest, which keeps any strange Greyhound, and waiteth when the King's Deer are out of the Forest, and foreseth such Deer, so that they Return Home, and by that means are hurt, or slain, you shall present who he is, and who owns the Greyhound, that they may be punished for the same accordingly.

13. If there be any Person within the Jurisdiction of this Court, that keeps any Hounds, or Greyhounds, and is not qualified so to do by the Laws and Statutes of this Kingdom, who Hunteth in the Pourallee of his own authority, you shall present his Name, the Time when

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when he so Hunted, and what Damage he did to the King in diminishing the Game at such Hunting.

14. If any Pourallee Hunter Hunts oftner than thrice in a Week, or before the Sun-rising, or after the Suns setting, or with other Company than his own Menial Servants, or on Sundays, or in the Fawning, or Fence Month, which is Fifteen days before, and fifteen days after Midsummer.

15. If any Pourallee Hunter at any time forestall the King's Deer, whether it be with dead Hay, or with Quick; for they ought to let-run at the Tail of the Deer, otherwise it is finable, as if he Hunted in the Forest.

16. If any Person hath made any Coppice, or Inclosure of the Pourallee, in binding the King's Deer from getting into the Forest, or hath Impounded the Beasts of any Commoner out of the County, and not put them in open Pound, in the County, whether it be in the time of Pannage, or not, you shall give us notice thereof.

An Abstract

Of all the *Statute-LAWS*, from
Magna-Charta to this Time, made
for the Preservation of the Game
of Hunting, Hawking, Fishing and
Fowling, in Forests, Chases, Parks,
Warrens and Fisheries, in ENG-
LAND and WALES.

Charters and Ordinances of the Forest.

ALL Forests Afforested by H. 2. shall be view-
ed by Lawful Men, and if he hath Affo-
rested any other Woods but his own Demesne,
whereby any is prejudiced, they shall be Disaffo-
rested; saving Common of Herbage, and other
things within the Forest, to such as have been
accustomed to enjoy them. Chart. de Foresta,
9 Hen. 3. Cap. 1.

2. None shall come before the Justices of our
Forest, by Common Summons, which dwell out of
the Forest, unless they be Impleaded there, or
be Sureties for others that are Attached for
the Forest, Cap. 2.

3. All Forests, so converted from Woods by
Rich. 1. or King John, shall be Disafforested, un-
less they be our Demesne Woods, Cap. 3.

4. All

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4. All Prelates, Peers, Knights, and other Freeholders, having Woods in Forests, shall enjoy them, as they did at the Coronation of H. 2. acquitted of all Purprestures, Wafts and Assarts made before the Coronation of H. 3. and they that make them henceforwards shall be answerable to the King for the same, Cap. 4.

5. Rangers of the Forests shall exercise their Offices, as was used at the Coronation of H. 2. and not otherwise, Cap. 5.

6. Lawing of Dogs shall be made in Forests, from 3 Years to 3 Years, by the View and Testimony of Lawful Men, and not otherwise, and he that hath not his Dog Lawed shall be Amerced 3 s. Also an Ox shall be taken for Lawing of Dogs: and it shall be done by the usual Assize, viz. That three Claws of the Fore-foot be cut off by the skin. Yet such Lawing shall not be but where it hath been used from the Coronation of H. 2. Cap. 6.

7. No Forester or Bedle shall make Scotall, or gather Garb, Oats, Corn, Lamb or Pig, but by the sight, and upon the Oath of the Twelve Rangers, when they shall make their Regard. And there shall be so many Foresters assigned for keeping the Forest, as shall be thought sufficient for the same, Cap. 7.

8. There shall be onely three Courts of Swaimote kept in the Year, viz. one 15 days before Michaelmas, another about Martinmas, and the third 15 days before Midsummer. At the first two of which, none shall appear by Distrers, but the Foresters and Verderers, and Gestakers; and at the others, onely the Foresters and Verderers. Howbeit the Foresters and Verderers shall meet every 40 days, to see the Attachments of the Forests, as well for Green Hue, as Hunting: and

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and the Swanimotes shall not be kept but in the Counties where they have been used to be kept. Cap. 8.

9. Every one having a Wood in the Forest, may Agist it, and take his Damage there at his pleasure; he may drive his Hogs through the King's Woods, or elsewhere, for that purpose; and if they lie all Night in the Forest, he shall not be questioned for it. Cap. 9.

10. If Deer be killed no man shall loose either life or Member for it, but shall be fined, if he have any thing. If not, he shall be imprisoned a Year and a Day, and (if he can find good Sureties) shall then be delivered, but if not, he shall abjure the Realm. Cap. 10.

11. A Prelate, Peer of the Realm, being sent for by the King, in coming, and returning may kill a Deer, or two in the Forest through which he passes. Notwithstanding it must not be done privily, but in the view of the Forester, if present, but if absent, by causing one to blow a Horn for him. Cap. 11.

12. Every Freeman may within the Forest, (upon his own ground) make a Mill, Spring, Marlpit, Dike, or Arable Ground, without inclosing such arable, so it be not to the nuisance of his Neighbours. Cap. 12.

13. Every Freeman may have his Ayries of Hawks, Eagles, or Herons, and also Honey found in his Woods within the Forest. Cap.

14. No Chimnage, or Toll shall be taken in Forests but by a Forester in Fee, that farms his Bailiwick, and onely of such as buy their Bushes, Timber, Bark or Coal to sell it again, viz. 2d. for a Cart and a peny for an Horse to be taken half yearly, and it shall only be taken where used to be taken, and not elsewhere. Neither shall any

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any Chiminage be taken of such as carry bur-
thens of Bulhes, Barke, or Coal, albeit they sell
it, unless they take them out of the Kings
Woods. Cap. 14.

15. All persons outlawed for Trespals in
Forests since the time of H. 2. unto the Coro-
nation of H. 3. shall be released, finding sureties
to offend no more. Cap. 15.

16. No Constable, Castellain or Bailiff, shall
hold Pleas of Forests for Green Hue or Hunting,
but the Forester shall attach such Pleas, and
present them to the Verderors of the Provinces,
who shall enroll them and present them inclosed
under their Seals unto the chief Justice of the
Forest, when he comes into those parts to hold
Pleas of the Forest, to be determined before him.
Cap. 16.

17. The King grants these Liberties of the
Forest to all Men, saving to all other persons
the Liberties and Free customes in Forests, Warrens
and other places, which they have formerly en-
joyed. Cap. 17.

18. The Lords demanded the imprisonment
of Trespassers in their Parks, and Ponds, but it
was denied by the King and so deferred. Mer-
ton. Chap. 11. 20. H. 3.

19. Trespassers in Parks and Ponds shall give
treble damages to the party grieved, suffer
three years Imprisonment, be fined at the
Kings Pleasure, and give Surety never to
offend in the like manner again. And if they
cannot find Surety, they shall abjure the
Realm; or, being fugitive, shall be Outlaw-
ed. Westm. 1 Cap. 20. 3 E. 1.

20. A Forester, Parker or Warrener, shall not
be questioned for killing a Trespassor, who
(after the Peace Cried unto him) will not
peisd himself, so it be not done out of some o-
ther former malice. Stat. 21 E. 1. 21. Those

21. Those to whom the King hath granted Purlieu (whereby their Woods are Diafforested) shall be quit of the Charge of the Forest, but then they are to have no Common there. Howbeit such as are willing to return their Woods into the Forest, shall enjoy Common and other Easements as they did before. Ordinatio Forestæ. 33 E. 1. Stat. 5.

22. Presentment of Trespasses, Green Hue, and Hunting in Forests, shall be made at the next Swainmote, by the Foresters within their several Bailiwicks, before the Foresters, Verderers, Regardors, Agistors, and other Ministers of the Forest, and they shall be also enquired of by the Oaths as well of Knights, as other Lawful Men (not suspected) of the nearest parts where the Trespasses were committed: and the Presentments so enquired of shall be solemnly confirmed, and Sealed by the Seales of the said Ministers. Ordinatio Forestæ, 34 E. 1. cap. 1.

23. If any Officer die, or be otherwise hindered, that he cannot Present at the Swanimote, the Justice of the Forest, or his Lieutenant, shall put another in his Place, that the Indictment may be made nevertheless by all, in Form aforesaid; also all Officers which are to be placed, shall be put as hath been used, except the Verderers, who shall be Ordained by Election, or Writ, Cap. 2.

24. No Minister of the Forest shall be put upon any Assize, Jury, or Inquest to be taken without the Forest, Cap. 3.

25. No Officer of the Forest shall Surcharge the Forest, on pain to be Imprisoned by the Justice of the Forest, or his Lieutenant; and he by whom they were Placed shall be also punished at the King's pleasure. At every Swanimote, Enquiry shall be made of Surchargers, Foresters,

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sters and other Ministers there, and of Oppressions done to the People, Cap. 4.

26. Trespasses committed in Grounds Disafforested shall be pardoned, yet so as the Hedges and Ditches shall be cast down, and removed: saving the King's Arrentations which shall remain according to the Assise of the Forest: also the Wood Felled in the Forest shall be carryed away, but that standing, though Sold, shall be preserved. Cap. 5.

27. The Justice, or his Lieutenant, shall take Fines and Amerciaments of Persons Indicted for Trespasses committed there, and shall not carry for the Eyre. Commoners restrained from their Commons, by the Perambulation, shall be restored to them again, saving the King's Arrentations, as is aforesaid. Cap. 6.

28. None shall be taken or Imprisoned for Vert or Venison, unless he be taken with the Manner, or else Indicted according to the form of the Statute of 34 E. 1. And then the Warden of the Forest shall let him to Mainprize, until the Eyre of the Forest, without taking any thing for his Deliverance. And if the Warden will not do so, he shall have a Writ out of the Chancery, of old ordained for persons Indicted, to be Bailed till the Eyre. Anno 1 E. 3. Stat. 1. cap. 8.

29. If the Warden, after the Writ served, shall not deliver the person Indicted to Mainprize, the Plaintiff shall have a Writ out of the Chancery, directed to the Sheriff, to Attach the Warden, to Answer his Default before the King at a certain Day, and then the Sheriff, (the Verderors being called in) shall deliver the Person Indicted by good Mainprize, in the presence of the said Verderors, and shall deliver the Names of the Mainperors to the same Verderors,

Verderors, to Answer in the Eyre before the Justices. Ibid.

30. If the Chief Warden be thereof Attainted, he shall be Awarded to pay treble Damages to the Party aggrieved, committed to Prison, and Ransomed at the King's Will. ib.

31. The Great Charter, and also that of the Forest are confirmed, Anno 1 E. 3. Stat. 3. cap. 1.

32. The Perambulations of Forests shall continue as they were bounded in the time of E. 1. and every County shall have a Charter thereof. And where they are not bounded, it shall be now done, and a Charter thereof shall be also made thereof. Ibid.

33. Every Man having Wood within the Forest, may take House-boot, and Hay-boot in his said Wood, without being Attached for the same by the Ministers of the Forest, so that it be done by the Chiew of the Foresters, Stat. 1 E. 3. Stat. 2. cap. 2.

34. No Forester, or any other Minister there, shall gather any Victuals, or other thing, by colour of his Office, but what is due of old right, Stat. 25 E. 3. Stat. 5. cap. 22.

35. A Jury for the Trial of a Trespass within a Forest shall give up their Verdict where they received their Charge, and shall not by Menace, or otherwise, be constrained to give their Verdict of a Trespass done in the Forest, otherwise then their Conscience will clearly inform them, Stat. 7 R. 2. 3.

36. No Officer of the Forest shall Impison any without due Indictment, or per main ouvre with his hand at the Work (that is, being taken with the Hanner, or Trespassing in the Forest) nor shall constrain any to make Obligation of Ransome against his Will, and the Assise of the Forest, on pain to pay the Party

82 Of the Laws and Privileges of the Forest.

grieved double Damgages, or to be Ransomed at the King's will, Stat. 7 R. 2. 3.

37. If any having Woods in his own Ground within any Forest, Chace, or Purlicu, shall Cut, or cause the same, or any part thereof to be Cut, by the King's License (where such Forest, Chase, or Purlicu are his) or without License (where they belong to others) he may keep them several, and Inclosed during Seven years next after their felling, Anno 22 E. 4. cap. 7.

38. Every Justice of the King's Forests, Chases, and Parks, by Writing, under the Seal of his Office, may make as many Deputies as he please, which shall have like power as the Justice himself hath, Anno 32 H. 8. cap. 35.

39. An Act for the certainty of the Forests and Meers, Limits and Bounds thereof, Anno 16 Car. 1. cap. 16.

Of Bows, and Guns, and Shooting at Game.

1. **N**One shall Shoot with, or keep in his Houle any Cross-bow, Hand-gun, Hagbut (Hakebut, or Haquebut) or Demihake, unless his Lands be of the value of 100 l. per annum, on pain to forfeit 10 l. for every such Offence, Anno 33 H. 8. cap. 6.

2. None shall Shoot with, or have any * Hand-gun under the length of one Yard, nor Hagbut,

* Note, The word *Hand-gun* includes a *Dag*, though Invented since the Statute, and the word *Cross-bow* includes a *Stone-bow*, and a *Hagbut* is a *Hand-Gun*, Three quarters of a Yard long. Co. 5. Part. 71, 72.

or Demihake under the Length of Three quarters of a Yard, on pain to forfeit 10 l. And it shall be lawful for any Man, having Lands of 100 l. per annum, to seise any such Gun, or any Cross-bow used or kept contrary to the Form of this Statute, but then he ought to break them within 20 Days after, on pain of 40 s. Idem Statut.

3. None shall Trabel with a Cross-bow bent, or Gun charg'd (except in time of War) or Shoot within a Quarter of a Mile of a City, Borough, or Market-Town (except for the Defence of himself and his House, or at a Dead-Mark) on pain of 10 l. Idem Statut.

4. None shall command his Servant to Shoot in any Gun, or Cross-bow, (except at a Dead-Mark, or in time of War) on pain of 10 l. Idem Statute.

5. The Penalties above-said shall be divided between the King and the Party who is the Prosecutor. Idem Statut.

6. Howbeit the Followers of Lords Spiritual or Temporal, Knights, Esquires, Gentlemen, and the Inhabitants of Cities, Boroughs, or Market-Towns, may keep in their Houses, Use, and Shoot (but at a Dead Mark only) with Guns, not under the Length above-said. So may the Owner of a Ship, for the defence thereof; and also he that dwells two furlongs distant from a Town, or within five Miles from the Sea-Coast, and this last may Shoot at any Wild Beast, or Fowle, save onely Deer, Heron, Shovelard, Pheasant, Partridge, Wilde-Swan, or Wilde-Elke. Idem Stat.

8. It shall be lawful for any person to convey the party offending before the next Justice of the Peace, who, upon the Examination and Proof, shall have power to Commit him to

Prison, there to remain till he hath satisfied the Penalty, which, in this case, shall be divided between the King and the Party that so takes the Offender. Idem Stat.

9. Every Placart granted by the King, which expresseth not at what Beasts or Fowle the Grantee shall Shoot, and where the Grantee entreteth not into Recognizance of 30 l. in the Chancery, to Shoot at no other, shall be adjudged void. Idem Statut.

10. Justices of Peace in Sessions, and Stewards of Leets, have Power to hear and determine the said Offences. Idem Stat.

11. When the Conviction is in Sessions, the whole Forfeiture is to be levied to the King's use. When in a Leet, the one half is the King's, and the other half ought to be divided between the Lord, and the Prosecutor. Idem Stat.

12. Here, if a Jury shall willingly conceal any thing, the Justices, or Steward have power to Impannel another Jury, by whom, if they first be found guilty of Concealment, they shall forfeit 20 l. a piece, viz. to the King, if it be in Sessions, but if in a Leet, then the one halfe to the Lord, and the other halfe to the Prosecutor. Idem Statut.

13. Forfeitures arising by this Act, shall be sued for, viz. by the King, within one Year, and by a common person within six Months, otherwise they shall be lost. Idem Statut.

14. A Servant, upon Command, may use his Master's Cross-bow, or Gun, (not prohibited by this Act) so he Shoot at no Fowle, Deer, or other Game, and may also, by a License in Writing, carry it to any place to be mended. Idem Statut.

15. None under the degree of a Baron shall Shoot with any Hand-Gun, within any City, or Town;

Town; or Shoot at any Fowle whatsoever, with any Hail-shot, on pain of Ten pound, and Three Months Imprisonment. Idem Stat.

16. This Act shall not restrain those; who, according to the value of their Land, are Authorized to Shoot by the 33 H.8. 6. so that they forbear to use any Hail-shot; and all others that presume to Shoot, shall present their own Names, viz. (in a Corporation to the Mayor, or Head-Officer, and in the Country to the next Justice of the Peace) on pain of 20 s. and the said Justice, or Head-Officer is to see them Recorded at the next Sessions on like pain of 20 s. which Forfeitures are to be divided between the King and the Prosecutoꝝ. Idem Stat.

Of Hunting, Hawking, Fowling and Fishing.

17. If any shall Hunt within Forests, Parks or Warrens in Hunting. the Night-time, or Disguised, one of the King's Council, or a Justice of Peace, to whom Information thereof shall be made, shall by his Warrant cause the Offender to be brought before himself, or some other Councelloꝝ, or Justice of the Peace, to be examined, where, if he conceal the Fact, such Hunting shall be deemed Felony; but being confessed, the offence is onely fineable at the next General Sessions. And here a Rescous of the Execution of any such Warrant shall be also deemed Felony. Anno 1 H. 7. cap. 7.

Of Hunting, Hawking, Fowling, and Fishing.

1. **N**One shall take Pheasants or Partridges with Engines in anothers ground without License on pain of 10 l. to be divided betwixt the owner of the ground and the Prosecutor.
 Anno 11 H. 7. cap. 17.

Hawking.
Fowling.

2. None shall take out of the nest any Eggs of Falcon, Goshawk, Lanner, or Swan on pain of a Year and a Days Imprisonment, and to incur a fine at the Kings pleasure, to be divided betwixt the King and the owner of the ground, where the Eggs shall be so taken. Idem Statut.

3. None shall bare any Hawk of English breed called an Eyesse, Goshawk, Tassel, Lanner, Lan-neret, or Falcon, on pain to forfeit the same to the King. Idem Statut.

4. He that brings an Eyesse Hawk from beyond the Sea, shall have a certificate under the Customers Seal where he Lands, or if out of Scotland, then under the Seal, of the Lord Warden or his Lieutenant testifying that he is a foreign Hawk upon the like pain of forfeiting the Hawk. Idem Statut.

5. None shall take, kill, or fear away any of the Hawks abovesaid from the Coverts where they use to breed, on pain of 10 l. to be recovered before Justices of Peace, and divided betwixt the King and the Prosecutor. Idem Statut.

6. None shall kill or take any Fesants or Partridges with any Net or Engine in the night time on pain to forfeit for every Fesant 20 s. and for every Partridge 10 s. which if the Offender pay not in ten days, he shall suffer a Months imprisonment without Bail, and enter into Bond
 (for

(for two years only) with good Sureties before some Justice of Peace, not to offend in the like kind. Anno 33 Eliz. cap. 10.

7. The Forfeiture aforesaid shall be recover'd in any Court of Record and divided betwixt the Lord of the Mannor and the Prosecutor. But in case the Lord shall dispense with the Offender, the poor of the Parish are to have his Wholety, to be recover'd by any of the Churchwardens. Idem Statut.

8. None shall Hawk or Hunt with his Spaniels in Standing Corn, or before it is Shocked, (except in his own ground, or with the owners consent) on pain to forfeit 40 s. to the owner of the ground as abovesaid. Idem Statut.

9 Justices of Assize, Justices of Peace in Sessions and Stewards in Leets, have power to hear and determine these Offences, and one Justice of Peace may examine such an Offender, and bind him over with good Sureties to answer it at the next General Sessions, if the Offence be not before determined at the Assizes, or in a Leet. Idem Statut.

10. This Act shall not restrain Fowlers which unwillingly take Pheasants or Partridges, and forthwith let them go at large. Idem Statut.

11. Every person convicted by his own confession or by two witnesses upon Oath, before two or more Justices of the Peace, to have killed or taken any Pheasant, Partridge, Pigeon, Duck, Heron, Hare, or other Game, or to have taken or destroyed the Eggs of Pheasants, Partridges or Swans, shall by the said Justices be committed to prison without Baile, unless he immediately pay to the use of the poor where the Offence was committed or he be apprehended 20 s. for every Fowl, Hare, or Egg, so killed, taken, or destroyed.
And

And after one Month's commitment shall be-
fore two or more Justices of the Peace be bound
with two sufficient sureties in 20 l. a piece,
with condition never to offend in the like kind.

ARNO. 1 Jac. cap. 27.

12. Every person convicted, as abovesaid,
to keep a Greyhound, Dog, or Net, to kill or take
Deer, Hare, Pheasant, or Partridge, unless he have
inheritance of 10 l. per annum, a Lease for Life
of 30 l. per annum, or be worth 200 l. in goods, or o-
therwise be the Son of a Knight or Heir apparent
of an Esquire, shall suffer Imprisonment as afore-
said, unless he pay 40 s. to the use abovesaid.
Idem Statut.

13. None shall sell, or buy to sell again any
Deer, Hare, Pheasant or Partridge (except by them
brought up, or from beyond Sea) on pain to
forfeit for every Deer 40 s. Hare 10 s. Pheasant 20 s.
and Partridge 10 s. to be divided between the
Prosecutor, and the Poor of the Parish where
the Offence is committed. Idem Statut.

14. Justices of Assize, and of Peace in Sessions,
and two or more out of Sessions have power to
hear and determine these Offences. Idem
Statut.

15. None shall by any former Law suffer
punishment for the same Offences for which he
shall be punished by this Law. Idem Statut.

16. This Act shall not restrain one Licensed
in open Sessions to kill Hawks-meat, but then he
shall there become bound by Recognisance in
20 l. not to kill any of the Game prohibited by
this Law, nor to Shoot within 600. paces of an
Hearnery, within 100 paces of a Pigeon house, or
in a Park, Forest, or Chace, whereof his Master
is not owner or keeper, and the Clerk of the
peace his Fee for such a Licence is 12 d. Idem
Statut.

17. Every

17. Every person convicted by his own confession or by two witnesses upon Oath, before two or more Justices of the Peace, to have Hawked at, or destroyed any Pheasant or Partridge betwixt the 1st of July, and the last of August, shall suffer one Months Imprisonment without bail, unless he forthwith pay, to the use of the pooꝝ where the Offence was committed, or be apprehended, 40 s. for every time so Hawking, and 20 s. for every Pheasant or Partridge so destroyed or taken. Anno 7. Jacobi primi cap. 11.

18. He that shall be punished by this Law, shall not be punished again by any other. Idem Statut.

19. It shall be lawful for the Lord of a Manor or one having Inheritance of 40 l. per annum Freehold or 80. l. per Annum or goods worth 400 l. or their Servants Licenced by them, to take Pheasants or Partridges within their own grounds or Precincts, so they do it in the day time and only betwixt Michaelmas and Christmas. Idem Statut.

20. This Offence shall be prosecuted within 6 Months after it shall be committed. Idem Statut.

21. If any of mean condition shall be convicted by his own confession, or by one witness upon Oath, before two or more Justices of the Peace, to have killed or taken any Pheasant or Partridge, he shall be committed to prison without Baile, unless he forthwith pay to the use of the pooꝝ 20 s. for every Pheasant or Partridge, so killed or taken, and also become bound before one or more Justices of the Peace in a Recognizance of 20 l. never to Offend in the like kind again. Idem Statut.

22. Every Constable or Headborough with a Warrant from two or more Justices of Peace, hath power to search the Houses of persons suspected to have

have any setting Dogs or Nets for the taking of Pheasants or Partridges, and the Dogs or Nets there found, to kill or cut in pieces at pleasure as things forfeited unto the said Officers. Idem Statut.

1. No Lay-man who hath not Lands of 40 s. per An: nor Clerk who hath not 10 l. Revenue per An: shall have or keep any Greyhound, Hound, Dog, Ferret, Net, or Engine, to destroy Deer, Hares, Conies, or any other Gentlemans Game, on pain of one whole years Imprisonment, which Justices of Peace shall have power to inflict. Anno: 13. R. 2. cap. 13.

2. None shall keep any Deer-hayes or Buckstalls save in his own Forest or Park, on pain to forfeit for every Month they are so kept 40 s. Neither shall any Stalk with any Bush or Beast to any Deer, except in his own Forest or Park, on pain of 10 l. Anno 19. H. 7, cap. 11.

3. None shall take an old Heron without his own grounds on pain of 6 s. 8 d. nor a young Heron on pain of 10 s. for which forfeitures every Man that will may sue by Action of Debt or otherwise. Idem Statut.

4. Any two Justices of Peace in Session may examine the Offenders aforesaid, and commit them to prison till they have satisfied the said forfeitures whereof the said Justices are to have the 10th. part. Idem Statut.

5. None shall trace, destroy or kill any Hare in the Snow, and Justices of Peace in Sessions, and Stewards in Leets have power to enquire of such Offenders, and shall assesse upon every such Offender 6 s. 8 d. which penalty assessed in Sessions shall go to the King, but in a Leet to the Lord thereof Statut. 14. & 15. H. 8. cap. 10.

6. None

6. None shall kill or chase any Deer or Conies in any Park or inclosed ground, without the owners Licence, on pain of three months imprisonment, to pay treble Dammmages to the Party grieved, to be assessed by the Justice, before whom he shall be convicted, and after the said three months expired, to be bound to the good behaviour 7 Years, though the party grieved may release them. Idem Statut.

7. The Justices in Sessions have power to hear and determine these Offences, and have power also upon satisfaction to release the behaviour. Idem Statut.

8. If any person not having 40 l. per annum: in Lands, or 200 l. in Goods. shall use any Gun or Crossebow, Ferret, Dog, Net or other Engine, for the purposes aforesaid, it shall be lawfull for any person worth 100 l. per annum: to take such Gun &c. from any such person, and convert the same to his own use. Idem Statut.

9. This Act shall not extend to any Park or inclosed ground hereafter to be made or used for Deer or Conies without the Kings Licence. Idem Statut.

10. It shall be in the Election of the party grieved, whether he will take for Satisfaction 10 l. in money, or treble Dammmages. Statut.
7. Jac. 13.

11. They that kill or take away red or fallow Deer, without consent of the owner, if convicted by confession or Oath of one Witness, and prosecuted within 6 Months shall forfeit 20 l. to be levied by distresse; One moiety whereof to the owner, and the other to the Informer. And for want of such distresse shall be committed to the House of Correction, or the common Gaol for one year, nor discharged till Security be given for their good behaviour for one Year after. Anno 13 Car.2. cap.20.

12. None

12. None punished by virtue of this Law shall incur the penalty of any other Law for the same Offence. Idem Statut.

13. Lords of Mannors or other Royalties, not under the Degree of an Esquire, may depute one or more Game-keepers, who may seise all Guns, Dogs, Bows, &c. and by warrant from a Justice of Peace, may search the Houses of such persons so prohibited as shall be suspected to keep such Guns, Dogs, Bows, &c. and seise them for the Lord of the Mannor, or destroy them. Anno 22 and 23 Car. 2. cap. 25.

14. Persons having Estates under 100 l. per annum, and that are not Sons or Heirs of Esquires or other persons of higher Degree, are declared to be persons not allowed to keep Guns, Bows &c. Idem Statut.

15. If any one enter a Cony-warren though not enclosed, and chase and kill any Conies without the owners consent, he shall forfeit treble Damages, and be imprisoned three Months, and till he find Sureties for his good behaviour. Idem Statut.

16. They that kill or take Conies in the night time upon the borders of Warrens, or on other grounds used for keeping Conies, shall make such recompence as shall be appointed by the Justice before whom Convicted, not exceeding 10s. which shall go to the Poor of the Parish, and in default of Payment, to the House of Correction: They that use Snares, Harepipes, and other Engines, are liable to the same Penalties. Idem Statut.

17. If any Person shall take any Fish
Fishing. without consent of the Owner of the Water, and be thereof Convict, he shall give such Recompence, and in such time as the Justice shall appoint, not exceeding treble

ble Damages, and pay down presently such Sum as the Justice shall think fit, not exceeding 10 s. In default of payment the same to be levied by distress and sale of goods, by warrant of such Justice, and for want of a Distress the Offender to be committed, not exceeding a Months time, unless he enter into Bond with one or more Sureties, to the party injured, not exceeding ten pounds never to Offend in the like manner. Idem Statut.

18. The Justice before whom such Offender shall be convict, may destroy all the Engines about such Offender, when he shall be apprehended or taken. Idem Statut.

19. Persons aggrieved by any judgment by virtue of this Act, may appeal to the next Quarter Sessions, whole order shall be final. Idem Statut.

20. This Act shall not abridge any Royalty or Privilege-royal of the King, nor any part of the Forest Laws of this Realm. Idem Statut.

1. None shall take Salmons betwixt the 8th of September and the middle of November, nor young Salmon with Nets or other Engines at Mill pools, betwixt the midst of April and the 24th of June, on pain of having their Nets and Engines burnt for the first Offence, for the 2d to suffer a Quarter of a years imprisonment, and after to have their Punishment encreased according to the Trespass: and in fresh waters, Overseers of this Statute shall be assigned, and sworn to inquire of the Offenders. West. 2. cap. 17. Anno 13 E. 1.

2. No Fisher shall use any Engine, by which the Fry of Fish may be Destroyed, upon the Pains mentioned in the Stat. of VWestm. 2. cap. 47.

3. None shall use any Net, or Engine, to destroy the Spawn or Fry of Fish, or take Salmon, or Trouts out of Season, or Pikes shorter than ten Inches, Salmon then 16, Trouts then 8, and Barbles then 12, or shall use any Engine to take Fish other then Angle or Net, or a Trammel of two Inches and an half, Wesh on pain to forfeit 20 s. and the Fish so wrongfully taken with the Net or Engine wrongfully used. Anno 1 Eliz. cap. 17.

4. All persons having Jurisdiction of Conservancy upon Streams, or Waters, and Lords of Leets, have power, upon the Oaths of 12 Men, to hear and determine these Offences, and shall have all the Forfeitures which accrue thereupon. Idem Statut.

5. The Steward of the Leet shall give this Statute in Charge to the Jury on pain of 40 s. to be divided between the Queen and the Informer. Idem.

6. Here, if the Jury wilfully forbear to present Offences of this kind, the Steward, or Bailiff shall Impannel another Jury to enquire of their Default, which being found, the first Jury shall forfeit 20 s. a piece. Idem.

7. Upon default of presentment in Leets within one Year, Justices of the Peace in Sessions, Justices

Justices of Oyre and Terminer and Justices of Assize in circuits have power to hear and determine the said Offences. Idem Statut.

8. This Act shall not restrain the taking of Smelts, Loches, Minews, Bullheads, Gudgeons or Eeles, with Nets or Engines formerly used, so that no other Fish be taken therewith. Nor shall extend to abridge any former privilege of conservancy lawfully Enjoyed, or Fishing in Tweed, Vske, or Wye, or in waters let to farme by the Queen, so that the Spawn, or Fry of Fish be not therein willfully destroyed. Idem Statut.

9. None shall unlawfully break down Fish pond-heads, or Fish there without Licence of the Owner, or enter into any Chace, Park, Woods or other grounds, and there kill and chase the Deer, or take any Hawk or Hawks Eggs, in pain to suffer three Months imprisonment, and to be bound with good Sureties to the good behaviour for seven years after. Anno 5 Eliz. cap 21.

Fishing.
Hunting.
Hawking.

10. The Party grieved shall in Sessions, or elsewhere, recover treble damages against the Delinquent, and upon Satisfaction shall have Liberty to procure his release of the behaviour. Idem Statut.

11. Justices of Oyer and Terminer, Assize, Peace, and Gaol delivery in Sessions, have power to hear and determine those Offences. Idem Statut.

12. None shall erect a Weare or Weirs along the Sea shore, or in any River or Creek, or shall willingly

Fishing.

§ § §

destroy

destroy the Spawn or Fry of Fish on pain of 10 l. to be divided between the King and the prosecutor. Neither shall any Fish in any of the said Places, with any Net of a less Mesh than three inches and an half betwixt knot and knot, (except for the taking of Smoults in Norfolk only) or with a Canvas, Net or other Engine, whereby the Spawn or Fry of Fish may be destroyed, on pain to forfeit the said Net or Engine and 10 s. in money, to be divided betwixt the Poor of the Parish and the Protector, and to be levied in Corporations by the Head Officers, and in other Places by distress and Sale of goods, upon a Warrant of a Justice of Peace, directed unto the Constable, and Churchwardens of the Parish, for that purpose. Stat. 3 Jac. cap. 12.

13. If any person after the first of August next shall in the River Severn Fish with, or make use of any Engine or Device, whereby any Salmon, Trout, or Barbel, under the length appointed by the Statute of 1 Eliz. shall be taken or killed, or shall Fish with any Net for Salmon, Salmon mart, Salmon-peal, Pike, Carp, Trout, Barbel, Chub, or Grayling, the Mesh thereof shall be under two inches and an half Square from knot to knot, or above 20 yards in length, and two yards in breadth, or above 50 yards in length, and six yards in breadth in the wing of the Net, in the said River from Riplelock-stake to Glowster Bridge, or above 50 yards in length below Glowster Bridge and six yards in breadth in the wing of the Net, or shall Fish with more then one of these Nets at once, or shall use any device for taking the Fry of Eeles,

he shall forfeit 5 l. for every Offence, with the Fish instruments &c. and 5 l. a time for watering Hemp or Flax in the said River. Statut. 13 Car. 2 cap 9.

14. The Justices of the Peace of the Counties of Worcester, Salop and Gloucester, shall be Conservators of the said River, in their respective Counties, and make one, or more Conservators under them, to whom, or to any Constable, &c. upon their own Knowledge or Information of such Offence, shall Issue Warrants to search all suspected houses, for such unlawful Instruments, and seise them. Idem Stat.

15. None shall be punished for the said Offences but by Information or Indictment before the Justices of Assise, or General Quarter Sessions. The one Moiety of the Forfeitures are to the Poor, and the other to the Prosecutor, to be levied by Fieri facias, or Cap. ad satisfaciendum. Idem Stat.

16. The Jurisdiction of the Lords of Leets, and all Rights, Titles, &c. of the King and others, in the said River, always saved. Idem Stat.

1. If any Person shall unlawfully Hunt, take in Toyles, kill, or take away any Deer, in any Forest, Chace, Purlieu, Park, or Hunting. other Ground Inclosed, or shall be aiding or assisting therein, and be thereof Convicted by Confession, one Witness or more, shall forfeit 20 l. though no Deer be killed or wounded; and for each wounded, killed or taken 30 l. to be levied by Distress upon his Goods,
 G g 2 and

Of Destruction of the Game.

and for want of Distress Imprisonment for a Year without Bail, and to be set in the Pillory for an Hour in the next Market-Town, Anno 3 & 4 W. & M. cap. 10.

2. Every Constable, Headborough, &c. shall have power to search the Houses of suspected persons, and where any Venison, or Skin of Deer shall be found, to apprehend the Party, and if he do not give a good account how he came by them, he shall be convicted by the Justice of such offence, and be subject to the forfeitures and penalties, as if thereof Convicted. Idem Statut.

3. To prevent flight, or removal of Offenders after Conviction, The Constable, or other Officer, are authorised to detain the Offender in Custody, during such time (not exceeding two days) as a Return may be made to the Warrant for the Distress. Idem Statut.

4. All owners of Deer, and persons acting under them, may oppose and resist Offenders, and be equally indemnified, as if such fact had been committed within any Ancient Chace, or Park. Idem Statut.

5. No Certiorari to be allowed for removal of the Proceeding, unless the Party convicted become bound to the Prosecutor in 50 l to pay his full Costs and Damages, to be ascertained upon his Oath. In default whereof, the Justice shall proceed to the Execution of the Conviction. Idem Statut.

6. No

6. No Offender punished by this Act, shall be prosecuted upon any other Statute for the same offence. Idem Statut.

7. Any person prosecuted for putting this Act in Execution, may plead the General Issue, and give the Special Matter in Evidence. Idem Statut.

8 If any person shall in the Night-time pull down any Pales, or Walls of any Forest, Park, Chace, &c. and be thereof Convict, shall suffer Imprisonment three Months without Bail. Idem Statut.

1. That whereas divers Laws have been made for the Preservation of the Game, which wanting due Execution, the Game of this Kingdom hath been destroyed. It is Enacted that all Laws now in force, and every Article not hereby altered, or repealed, shall now be Executed under the Penalties therein contained to be levied and disposed of, as the said Laws direct. Anno 4 & 5 W. & M. cap. 7.

Hunting,
Hawking,
Fishing,
Fowling.

2. In case any Hare, Partridge, Pheasant, Fish, Fowl, or other Game shall be found in any Offenders House, the Offender is to be carried before a Justice of Peace of the County, and being convicted shall forfeit any Sum not under 5 s. nor above 20 s. For want of Distress the Offender is to be carryed to the House of Correction for a Month, or some other space of time, not less then 10 Days. And if any person not qualified by the Laws, shall Keep, or

Of Detention of the Game.

Use any Bows, Greyhounds, Setting-Dogs, Ferrets, Tumbler, Hayes, Snafes, &c. he shall be subject to the same Penalties, as the Person who shall be found to have any Hare, Partridge, Pheasant, Fish, Fowl, or other Game in his House, as a forfeiter. And if any Person charged shall not give sufficient Evidence of his Innocence, he shall be Convicted thereof in the same manner as the Person first charged therewith, and so from Person to Person, till the first Offender be discovered. *Idem Statut.*

3. All persons Authorized by Lords of Mannors &c. may within their Royalties, oppose and resist such Offenders in the night time, in the same manner as if such fact had been committed within any ancient Chase, Park, or Warren enclosed. *Idem Statut.*

4. No person shall keep any Net, Angle, Leap, Pitch, &c. and that owners of Fisheryes or their Deputies, may Seise and keep all Nets &c. Also any person by a Warrant from a Justice of the Peace, may, in the day time, search the Houses of persons suspected, and seise, detain, or destroy them, as prohibited to be kept by persons unqualified by Law. *Idem Statut.*

5. This Act shall not abridge any Fisher-man or his Apprentice, lawfully authorized to Fish, in Navigable Rivers, with lawfull Nets. *Idem Statut.*

6. If any inferiour Tradesman, Apprentice or dissolute person presume to Hunt, Hawk, Fish, or Fowl, he shall be Subject to the Penalties of this Act, and be sued for willfull trespass, in coming
ing

ing on any Mans Land, and if found guilty, the Plaintiff shall not only recover his dammages, but full costs of suit. Idem Statut.

7. For preserving the red and black Game of Growse or Heathpolts, No person on any Mount-
ains, Hills, Heaths, Moors, Forests, and Hares or
other Waits, shall burn between the 2d of Feb-
ruary and 24 of June, any Grig, Ling, Heath,
Furze, Goss or Fern, upon pain of being com-
mitted to the house of correction, for 10 Days or
a Month, there to be whipt, and kept to hard
labour. Idem Statut.

F I N I S
